THE DECLARATION OF OVR SOVERAIGNE LORD THE KING, BY THE DELIberate aduiſe and full aſſent, aſwell of *all the Lords and others of his Maieſties Priuie Councell,*

AS OF THE Mr. *OF THE* ROLLES, AND HIS HIGHNESSE COVNSELL LEARNED IN THE *Law, concerning the Title of His Maieſties moſt Noble and deareſt Sonne* CHARLES, *the Prince, and Duke of Yorke, to the Duchy of Cornewall.*

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HONI SOIT QVI MAL Y PENSE
DIEV ET MON DROIT

LE CAS DV DVCHÉ DE CORNOVAILLE.

THE CASE OF THE DVCHIE *of Cornewall.*

D'AVTANT que depuis la mort du feu hault & Excellent Seigneur HENRY Prince de Gales, Duc de Cornouaille, & Comte de Cheſtre, fils aiſné de ſa Maieſté, on a mis en diſpute & queſtion, pour ſçauoir, ſi le hault & Excellent Prince CHARLES, Duc de Yorke (maintenant fils aiſné de ſa Maieſté) eſt par la mort de ſon dit frere, & apres icelle (*ipſo facto*) Duc de Cornouaille, & ſaiſi dudit Duchê par les loix & Ordonnances de ce Royaume, ou non: Et d'autant que ladite queſtion ſembloit eſtre de grande cõſequence, en ce qu'elle concerne l'honneur inherent non ſeulement dudit Prince CHARLES

WHereas vpon the death of the late high and Excellent HENRY *Prince of Wales, Duke of Cornewall, and Earle of Cheſter, his Maieſties eldeſt ſonne, ſome queſtion and doubt was made, whether the high and Excellent Prince* CHARLES *Duke of Yorke, (his Maieſties now eldeſt ſonne) were by and after the death of his ſaide brother* (ipſo facto) *Duke of Cornewall, and ſeized of the ſaid Duchie by the Lawes and Statutes of this Realme, or not: Foraſmuch as the ſaid queſtion appeared to bee of great conſequence, in reſpect that it concerned the inherent honour, not onely of the ſaid Prince* CHARLES

CHARLES pour le preſent, mais auſſy de tous ceux, qui (par la mort d'un premier né) deuiendroient fils & heritiers apparans des Roys de ce Royaume en tous ſiecles à venir : Et encores, au regard des grandes & amples poſſeſsions appartenantes audit Duché ; dont le droict & maniement, & de tous les Officiers, tenans, fermiers, & poſſeſſeurs d'icelles, & de chaſque partie d'icelles, depend entierement de la reſolution des pretentions que ledit Duc CHARLES fait la deſſus. Sa Maieſté de ſa prouidence Royale requiſt eſtre informé de ce, que la Loy, & Exemples precedens enſeignent en ce cas.

Ce que deſſus eſtant cõſideré apparut á la premiere veüe, que ſa doubte prouenoit ſeulement d'vne conſtruction literale du mot (*Primogenitus*) contenu en ceſte particuliere forme de reſtriction de l'eſtat dudit Duché faite par lettres patentes, ordonnée par les Eſtats l'an 11. du Roy Ed. 3. par laquelle le Roy (recitant, qu'il auoit donné á Edoüard Comte de Cheſtre, ſon fils premier né, le nom & hõneur de Duc de Cornouaille, par le conſentemẽt des Eſtats) luy donna auſſy par meſmes patentes le Duché de Cornouaille, & amples poſſeſsions en icelles patentes

for the preſent, but likewiſe of all ſuch as ſhould (by the death of a firſt borne) become ſonnes and Heires apparant to the Kings of this Realme in all ſucceeding ages; And alſo in reſpect of the great and large poſſeſsions belonging to the ſaid Duchie; the right and ordering whereof, and of all the Officers, Tenants, Farmers, and occupiers of the ſame, and euery part thereof, doeth wholly depend vpon the reſolution of the ſaide Title of the ſaide Duke CHARLES *thereunto. His Maieſtie therefore out of his Princely prouidence required to bee informed, how the Law and former Precedents ſtood in this caſe.*

In the conſideration whereof it appeared at the firſt view, that this doubt aroſe onely out of a literall conſtruction of the word filius primogenitus, *contained in that ſingular forme of limitation of the Eſtate of the ſaid Duchie made by Patent, enacted by Parliament,* An. 11. *of King* Edward *the third: Whereby the King (reciting that hee had giuen to* Edward *Earle of* Cheſter *his firſt begotten ſonne the name and honour of Duke of* Cornewall *by conſent of Parliament) did by the ſaid Patent alſo giue him the Duchie of* Cornewall, *and large poſſeſsions in the ſame Patent particularly ſet*

downe

patentes particulierement ſpecifices: *Habend. & tenend. &c. eidem Duci & ipſius & hæred. ſuorum Regum Angliæ filijs primogenitis & dicti loci Ducibus in regno Angliæ hæreditariè ſucceſſuris. Quæ quidem omnia caſtra &c. prædicto Ducatui præſenti charta noſtra pro nobis & hæredibus noſtris annectimus & vnimus eidem in perpetuum remanſur'. Ita quòd ab eodem Ducatu aliquo tempore nullatenus ſeparentur, nec alicui ſeu aliquibus alijs quam dicti loci Ducibus per nos vel hæredes noſtros donentur, ſeu quomodolibet concedantur. Ita etiam quod præfato Duce, ſeu alijs eiuſdem loci ducibus decedentibus, & filio, ſeu filijs ad quos dictus Ducatus prætextu doni & conceſſionis noſtrorum prædictorum ſpectare dinoſcitur, tunc non apparentibus. Idem Ducatus cum Caſtris &c. ad nos vel hæredes noſtros Reges Angliæ reuertatur, in manibus noſtris & ipſorum hæredum noſtrorum Regum Angliæ retinend'. Quouſque de huiuſmodi filio & filijs in dicto Regno Angliæ hæreditariè ſucceſſur' appareat, vt dictum eſt: Quibus tunc ſucceſſiuè Ducatum illum cum pertinend' pro nobis & hæredibus noſtris concedimus, Et volumus liberari tenend' prout ſuperius eſt expreſſum.*

Deſquelles parolles on a conceu

downe in theſe wordes: To haue and to hold, &c. to the ſayd Duke, and to the firſt begotten ſonne of him and of his heires, Kings of England and Dukes of the ſaid place, that hereditarily ſucceede in the kingdome of England. All which ſaid Caſtles &c. we doe by this our preſent Patent, for vs and our heires annexe & vnite to the foreſaid Duchy, to remain vnto the ſame for euer: So as they may in no wiſe bee at any time ſeparated from the ſaid Duchie, nor be giuen, or any way granted by Vs or our heires to any other or others, then vnto the Dukes of the ſaid place. So alſo, that the foreſaid Duke, or other Dukes of the ſame place deceaſing, and a ſonne or ſonnes to whom the ſaid Duchie is by vertue of our foreſaid gift and grant knowen to belong, then not appearing: The ſaid Duchie with the Caſtles, &c. do returne to Vs or our heirs Kings of *England*, to be reteined in our hands, and in the hands of our heires the Kings of *England*: Vntil ſuch time, as ſuch ſonne & ſonnes who ſhal be hereditarily to ſucceed in the ſaid kingdom of *England*, as is aforeſaid, ſhal appeare. Vnto whom, we do then for Vs & our heires ſucceſsiuely grant the ſaid Duchie with the appurtenáces, and

will

conceu quelque opinion, qu' entant que la donation eſt (*filijs primogenitis*) il ne peut eſtre, qu' aucun fils puiſſe prendre par icelle reſtriction, ſi non en cas, qu'il n'y eut aucun fils né deuant luy: Tellement, que le doubte ou queſtion conſiſte ſeulement en cecy, á ſçauoir, Si par les mots, ſens, & intention de la dite Ordonnance de l'11. Ed. 3. *filius primogenitus natus* ſeulement, ou *filius primogenitus exiſtens*, par la reſtriction d'icelle Ordonnance doibt eſtre heritier dudit Duché de Cornouaille, & des poſſeſsions d'iceluy.

LES

will haue it to be deliuered to bee ſo held, as is formerly expreſſed.

Whereupon ſome opinion hath been conceiued, that becauſe the gift is (filijs primogenitis) *that therefore no ſonne can take by that limitation, except there were no ſonne borne before him. So that the doubt or Queſtion onely conſiſteth, whether by the words, ſence, and meaning of the ſaid Statute of* 11. Edw. 3. Filius primogenitus natus *onely, or* filius primogenitus exiſtens, *by the limitation of that Statute, be to be inheritor of the ſaid Dukedome of* Cornewall, *and the poſſeſsions thereof.*

THE

LES FONDEmens & Raiſons leſquelles induirent ſa Maieſté treſ-excellente, & les Seigneurs de ſon Conſeil priué à conceuoir & reſoudre touchant la verité de l'Eſtat de ceſte queſtion, en telle ſorte que ſur la fin de ce diſcours eſt rapporté, ſont celles icy.

THE REASONS and grounds that moued the Kings moſt Excellent *Maieſtie, and the Lords of his Highneſſe Priuie Counſell, to conceiue and reſolue concerning the trueth of the ſtate of that Queſtion, as in the end of this caſe is reported, were theſe.*

1. LA premiere, le but, ſens, & intention de ladite Ordonnance, de *l'*11. *d'Ed.*3. & la cauſe pourquoy elle à eſté faite.

1. *THE firſt, was the meaning, intention, and purpoſe of the ſaide Statute of* 11. Edw. 3. *and the cauſe of the making thereof.*

2. La deuxieſme, les Exemples precedens, l'uſage, & la prattique de tout temps, depuis que ladite Ordonnance à eſté faite.

2. *The ſecond, was the Precedents, Examples, Vſe, and practiſe euer ſince the making of the ſaid Statute.*

La

3. La troiſieſme, l'explication, & expoſition du vray ſens & intention des parolles contenuës en ladite Ordonnance (aſçauoir, *filius primogenitus*, ou, *filijs primogenitis*) ainſi, qu'il appert par les Ordonnances & Exemples precedens, tant deuant ladite Ordonnance, de l'11 d'*Ed.* 3. que depuis.

3. *The third, the explanation and expoſition of the true ſenſe and meaning of the wordes in the ſayd Statute contayned, (being* filius Primogenitus, *or,* filijs Primogenitis) *as by Statutes and Precedents both before the ſaide Statute of* 11. Edward *the thirde, and ſince appeareth.* 3.

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1. TOVCHANT LE BVT, SENS, & intention de ladite Ordonnance de l'11. *Ed.* 3. & la cauſe pourquoy elle a eſté faite.

Premierement, le mot (*primogenitus*) contenu en l'Ordonnance n'eſt pas d'un ſens ſi eſtroit & reſtreint, c'eſt la violence qu'on y fait, de le prendre en ce ſens là ſeulement: Car en lettre, intention, & cõmune interpretation, il ſ'entend & ſe prend auſſy bien pour le premier né qui eſt en eſtre, ou pour le fils aiſné pour le preſent (leſquels ſont tous deux mots d'une meſme ſignification & vſage) que pour celuy, qui eſtoit dés ſa naiſſance le premier né, ou, qui n'a eu aucun autre né deuant luy.

Secondement, il appert par les Exemples precedens, qui ſ'enſuyuent, que le mot (*Primogenitus*)

AS TO THE 1. first point concerning the meaning, intention *and purpoſe of the ſaid Statute of* 11. Edw. 3. *and the cauſe of the making thereof.*

First, That the word (Primogenitus *in this Acte,*) *is not of ſo ſtrict a ſenſe, and that it is violence to the word to take it onely ſo: For it is both in letter, meaning, and common acceptation, underſtood and taken, aſwell for the firſt borne in being, or the eldeſt ſonne for the time, (which are words of one ſignification and vſe) as for him that was originally the firſt borne, or had none other borne before him.*

Secondly, it appeareth by the Precedents and Examples hereafter following, That the word (Primogenitus) *is aſwell to bee applied to him that ſtands* Filius Primogenitus, *or eldeſt ſonne, or*

eiſné

mogenitus) s'applique auſſy bien á celuy, qui demeure *Filius primogenitus*, ou fils aiſné pour le preſent, qu'á celuy qui a touſiours eſté *Primogenitus*. Et bien que le doubte ſoit fondé ſur le mot (*Primogenitus*) & non ſur le mot *Anglois* ou *François* (aſçauoir, *eldeſt*, ou *aiſné*) toutesfois la raiſon eſt la meſme en tous les mots; car ils ne ſont, ny *eldeſt*, ny *aiſnez*, ſi non au regard des viuans, les morts eſtans mis en oubli, pour ce qu'ils ne ſont plus en eſtré.

Et ſi en aucun Cas que ce ſoit, ceſte conſtruction eſt receüe; á plus forte raiſon, le motif euidét & intention de ceſte donation du Duché de *Cornouaille*, rend la raiſon de ceſte cõſtruction treſclaire & de treſ-grande force. Car le roy Ed. 3. (eſtant vn Prince puiſſant & magnifique, nouriſſant en ſon ame des grandes eſperances, de l'accõpliſſement deſquelles, il pleut á Dieu, que depuis il ioüit heureuſement) le trouua bien-ſeant & cõuenable á ſa propre grandeur, d'eriger & creer á ſon fils aiſné, & aux filz aiſnez des Roys *d'Angleterre*, qui de lá en auant deuroient á jamais ſucceder á la Couronne, vn honneur & dignité, auec des poſſeſsions & libertez annexées, ſortables á leur grandeur & magnificence future. Et pour ceſte

eiſné fitz, *for the time*, *as to him that alwayes hath bene* Primogenitus. *And though the ſcruple bee made vpon the word* (Primogenitus) *and not vpon the* Engliſh *or* French *word* (eldeſt, *or* eiſné,) *yet the reaſon is the ſame in all the wordes: for they are neither* eldeſt, *nor* eiſnéz, *but in reſpect of the liuing, forgetting the dead, becauſe they are not in being.*

And if this conſtruction bee in any caſe allowed, much more doeth the apparant motiue and purpoſe of this Graunt of the Duchie of Cornewall, *make the reaſon of this conſtruction moſt plaine and forcible: For King* Edward *the third* (*being a mightie and glorious Prince, and intertayning in his minde great hopes, which it pleaſed GOD he did after alſo happily accompliſh*) *conceiued it ſuteable to his owne greatneſſe, to erect and create for his owne eldeſt ſonne, and for the eldeſt ſonnes of the Kings of* England *for euer after inheritable to the Crowne, an Honour and dignitie, with poſſeſsions and liberties annexed, proportionable to their State and expectation. And therefore did make the Grant and Ordinance in queſtion by Parliament, in the forme and words before recited.*

In aſmuch therefore, as the eldeſt

ceſte cauſe fit la donation & Ordonnance dont il eſt queſtion en l'aſſemblee des Eſtats, en forme & parolles cy deuant reciteés.

En tant donques, que le fils aiſné en eſtre heritier de la Couronne tient maintenant le premier rang entre les viuans, & que les morts ne viennent pas en compte; d'autant que toutes les qualitez de grandeur & d'honneur, qui eſtoient auparauant en ſon frere aiſné defunct, luy ſont deuoluës, puis que tous les frais & deſpens pour l'entretien du port, & de la magnificence du fils aiſné & premier, tomlent ſur luy: ſi que maintenant il ſe dit de luy, *Quod vna perſona cenſetur cum ipſo rege*; & qué c'eſt crime de leze Maieſté, de conſpirer ſa mort (ce qui eſt propre au fils aiſné;) peut-on imaginer, que l'aſſemblee des Eſtats luy doibue nyer le tiltre de Duc de *Cornouaille*; & des poſſeſſions dudit Duché, á qui Dieu & Nature ont ouuert le chemin á tous les droits, qui le puiſſét meriter?

Et á fin de faire paroiſtre quelle abſurdité la conſequence de ceſte conſtruction reſtreinte pourra tirer apres ſoy, poſez le cas, que le fils premier né viéne á naiſtre & mourir le meſme jour; en ſorte qu' on pourroit dire de luy, *Oritur, moritur* (& il ya eu des premiers nez, qui ont eu la vie

eldeſt Sonne in being inheritable to the Crowne, hath now the firſt place amongſt the liuing, and the dead come not into accompt: Since all the attributes of greatneſſe and Honour are deuolued vnto him, that were before in his elder brother deceaſed, ſince all the charges for ſupportation of the State, and magnificence of the firſt and eldeſt, lye vpon him; Since now it is ſaide of him, That hee is held as one perſon with the King himſelfe; *And that it is now high Treaſon to conſpire his death, (which is proper to the eldeſt Sonne:) Doeth any man ſuppoſe, that the Parliament ſhould deny him the Title of Duke of* Cornewall, *and the poſſeſſions of the ſame Duchie, for whom GOD and Nature haue made a way to all the rights that may deſerue it?*

And (to make it appeare how abſurd the conſequence of this ſtrict conſtruction may prooue) ſuppoſe that the firſt begotten Sonne ſhould bee borne and die both in a day, ſo that a man might ſay of him, Oritur, moritur (*and ſome firſt borne haue beene ſhortliued indeed:) Should this vntimely fruite ſhut vp the way to the Dukedome againſt all his brethren, that ſhould follow and liue to beare the heate and labour of the day? For it is true, that hee*

vie bien courte de fait;) doibt ce fruict deſſaiſonné & cueilli auãt ſa maturité clorre le chemin au Duché á tous ſes freres, qui viendroient á naiſtre & viure apres, & endurer la chaleur & trauail du jour? Car il eſt vray, qu'il eſtoit *Primogenitus*; il eſt vray auſſy, qu'il eſtoit *Dux natus*, duc quant & quant ſa premiere haleine; & les poſſeſſions du Duché par la Loy (*ipſo facto*) tomberent ſur luy; Car *Primogenitus nõ ſuſcipit magis & minus*: Tellemẽt que ſi nul autre fils de Roy, que le tout fin premier peut eſtre Duc, il ſ'enſuyt neceſſairement, que les autres en doibuent eſtre forclos. Laquelle inferẽce combien elle eſt eſloignée de raiſon, & de l'intention & prouiſion de ceſte Loy, chaſcun œil le peut veoir. Il eſt vray pourtant, que le mot de la Loy ne doibt pas eſtre negligé; ce qui appert clairemẽt au cas de *Richard* (apres *Richard* 2.) fils aiſné de meſme Prince *Edoüard*, qui mourut durant la vie du Roy *Ed.* 3. ſon pere: Par lequel moyen, le meſme *Richard* deuint heritier maſle en droite ligne du Roy, & de la Couronne: Toutefois, pour ce qu'il n'eſtoit par fils aiſné d'un Roy ains d'un fils de Roy, il n'eſtoit pas Duc de *Cornouaille* par le droit d'icelle donation & reſtriction, ains fut faict Duc par le Roy

was Primogenitus, *and it is alſo true that he was* Dux natus, *with his firſt breath a Duke, and the poſſeſsions of the Duchie were by Law* (ipſo facto) *caſt vpon him*: *For* Primogenitus non ſuſcipit magis & minus: *So as if no ſonne of a King, but the meere firſt can be Duke, it followeth of neceſsitie that the reſt muſt bee excluded*: *which how farre it is from reaſon and from the intent and prouiſion of this Law, euery eye can ſee. Yet it is true, that the word of the Law muſt not be neglected, which appeareth plainely in the Caſe of* Richard (*after* Richard *the ſecond*) *eldeſt Sonne of the ſame Prince* Edward, *who died in the life of King* Edward *the third his father*: *By meanes whereof the ſame* Richard *became lineall heire male to the King and Crowne*: *Yet becauſe hee was not the eldeſt Sonne of a King, but of a Kings ſonne, he was not Duke of* Cornewall, *by the right of that graunt and limitation, but was made Duke by King* Edward *the* 3. *by his Letters Patents, not by Parliament*: *And the limitation of the Duchie to him, was of the other and more common forme*, To him, and to his heires Kings of England.

By which the Precedents are ſtrengthened: *for it appeares that they paſſed not in ſilence, or by the impro-*

le Roy *Ed.*3. par ſes Lettres Patentes, & non par l'aſſemblee des Eſtats: Et la reſtriction du Duché á luy faite, fut de l'autre & dela plus cõmune forme, *Sibi & hæredibus ſuis Regibus Angliæ.*

Ce qui apporte de la force aux Exemples precedens: Car il appert, qu'ils ne ſe ſont pas paſſez ſoubs ſilence, ou par meſgarde d'Eſtat. Car par ce Cas de *Richard* ſecond eſt monſtrê, que l'Eſtat á touſiours eſté vigilant & curieux â diſcerner, quels eſtoient capables, dudit Duché par la vertu de ladite reſtriction, & qui non; le cas eſtant de ſi grande remarque & importance.

Et par meſme raiſon, il n'y a iamais eu fille & heritiere des Roys *d'Angleterre*, qui ait eſtê honnorée de ce tiltre; quoy qu'il y ait eu *Madame Marie* fille aiſnêe du Roy *Henry* 8. & ſon heritiere apparante vne bonne eſpace de temps: & auſſy *Madame Elizabeth* fille aiſnée du Roy *Edouard.*4. Toutes deux forcloſes par deux parties de ceſte reſtriction, elles n'eſtans ny filij *Primogeniti*, ny *in regno Angliæ ſucceſſuri*: Car encores que les filles pouuoient ſucceder, & ainſi faiſoyent quelques fois; toutesfois ceſte clauſe lá importe, qu'il faut, qu'ils ſoyent en ſucceſſion certaine; ce qu'une fille ne ſt iamais entant, qu'un fils né en quelque temps que ce ſoit, la depoſſede.

improuidence of the State: For by this Caſe of Richard. 2. *the State appeareth to haue bene alwayes watchful and curious in diſcerning who were capable, and who not, of the Duchie by force of the ſaide limitation, being a Caſe of ſo great marke and importance.*

And by the ſame reaſon, no daughter and heire of the Kings of England, *hath euer bene admitted to this Title, though there hath bene both the Lady* Mary *the eldeſt daughter of King* Henry. 8. *and his heire apparant for a good time; And the Lady* Elizabeth *the eldeſt daughter of King* Edward *the fourth, as beeing excluded by two parts of the limitation; for they were neither* Filij Primogeniti, *nor* to ſucceed in the Kingdome of England: *For though daughters might ſucceed, and ſo did ſometimes, yet that clauſe imports, That they muſt ſtand in certaine ſucceſſion, which a daughter neuer doeth, becauſe a Sonne (whenſoeuer borne) puts her out.*

A S

2. TOVCHANT les Exemples Precedens qui onques depuis que ladite Ordonnance eſt faite, ſont eſcheus ou tombez dans les bornes de ceſte queſtion (aſçauoir, Si le ſecond fils du Roy d'Angleterre heritier de la Courõne doibt eſtre duc de *Cornouaille* apres la mort de l'aiſné, ou *filius Primogenitus* du Roy, luy mourant ſans enfans, durant la vie du Roy ſon pere;) ils ont eſté, & ſont deux ſeulement: l'vn, le Prince Edouard (apres Roy Edouard 6.) l'autre le Prince Henry (apres Roy Henry 8) leſquels eſtoient tous deux ſeconds fils des Roys leurs peres, & tous deux Ducs de Cornouaille ſans creation, & ſeulement par ladite Ordonnance de l'11. de Edouard 3.

AS TO THE 2. *ſecond poynt, Concerning the Precedents and Examples, that euer ſince the making of that Statute haue happened or fallen within the compaſſe of this preſent queſtion* (viz. *Whether the ſecond ſonne of the King of* England, *inheritable to the Crowne, ſhould be Duke of* Cornewall, *after the death of the eldeſt, or,* filius primogenitus, *of the King, dying without iſſue in the life of the King his father*) *they haue beene and are onely two: Namely,* Prince Edward (*after King* Edward *the 6.*) *and Prince* Henry (*after King* Henry *the 8.*) *who were both ſecond ſonnes to the Kings their fathers, and were both Dukes of* Cornewall, *without creation, but onely by the ſaid Statute of* 11. Ed. 3.

QVANT AV premier, pour mettre en diſpute, ſi le Prince *Edouard* eſtoit Duc de Cornouaille apres la mort de *Henry* le fils premier né de *Henry* 8. ce ſeroit faire vne queſtion ſans queſtiõ, entãt qu'il y en a encores en vie, qui s'en ſouviennent & le ſçauent tresbien, Et les Regiſtres & Archiues de ce temps la le monſtrent

FOr the firſt, to make a queſtion whether Prince Edw. *were Duke of* Cornewall *after the death of* Henrie *the firſt begotten ſonne of King* Henry *the* 8. *were to mooue a queſtion queſtionleſſe: for the liuing yet doe well remember, and know the ſame. And the Records of that time doe apparantly iuſtifie and approoue it: And therefore will*

ſtrent & le confirment euidemment. Partant je ne me mettray pas en peine de prouuer ce, qui en ſoy & de ſoy eſt vne verité ſi apparante & manifeſte, & hors de toute queſtion.

I forbeare to endeuour to proue that, which in it ſelfe and of it ſelfe is ſo queſtionleſſe, apparantly and manifeſtly true.

Le ſecond Exemple

Precedent touchant ladite queſtion, eſt, du Prince Henry, ſecond fils du Roy Henry 7. lequel apres la mort du Prince Artus ſon frere aiſné eſtoit Duc de Cornouaille de naiſſance ſans creation; car il ne fut iamais creé Duc de Cornouaille: Dont les preuues s'enſuyuent.

The ſecond Precedent

concerning the queſtion aforeſayd, was Prince Henry, *ſecond ſonne to King* Henry 7. *who after the death of Prince* Arthur *his elder brother was Duke of* Cornewall *by birth without creation; for hee was neuer created Duke of* Cornewall: *The proofe whereof is as followeth.*

I. Premierement, il appert, quele Roy *Henry 7.* au mois d'Octobre l'an 19. de ſon regne bailla cõmiſsion ſoubs le grand ſeau d'Angleterre à *Gilbert Talbot* Cheualier, Conſeiller de ſon treſ-cher fils ſecond né *Henry* Duc de Cornouaille, &c. Dont appert, que le Roy ſon pere le tenoit & qualifioit pour lors Duc de Cornouaille, quoy qu'en la meſme Commiſsion il l'appellaſt ſon fils ſecond né.

2. Secondement, le Roy Henry 7. au mois de Feurier l'an 19. de

I. *Firſt, it appeareth, that King* Henry *the 7. in October, 19. of his Reigne graunted a Commiſsion vnder the great Seale of* England, *to* Gilbert Talbot, *Knight, Counſellor to his deareſt ſecond begotten ſonne* Henry *Duke of* Cornewall, *&c. Whereby it appeareth, that the King his father then conceiued and ſtiled him Duke of* Cornewall, *and yet called him by the ſame Record his ſecond begotten ſonne.*

2. *Secondly, King* Henry 7. *in February, 19. of his Reigne in* Parlia-

19. de ſon regne, en l'aſſembleé des Eſtats par ces parolles (*De conſilio & aſſenſu Prælatorum, Ducum, Comitum, & Baronum Regni noſtri Angliæ in præſenti Parliamento noſtro exiſtent' Henricum Principem Walliæ & Comitem Ceſtriæ fecimus & creauimus, facimus & creamus, ac eidem Henrico nomen, ſtylum, ſtatum, dignitatem & honorem Principatus & Comitatus eorundem damus & concedimus, &c.*) le fit mais ne le crea pas Duc de Cornouaille: ce qu' il eut faict, s'il n'euſt eſté auparauant Duc de Cornouaille de naiſſance ſans creation.

3. Tiercement, en la meſme aſſembleé des Eſtats, de l'an. 19. de Hen. 7. il ſe fit vne Ordonnance comme s'enſuyt: PVIS qu'il a pleu â Dieu tout-puiſſant d' appeler le tres-cher fils du Roy Henry Duc de Yorke â eſtre maintenant heritier apparant du Roy, & Prince de Gales, Duc de Cornouaille, & Comte de Cheſtre, par le moyen de quoy il á des grandes & notables poſſeſsions: Pourquoy il luy conuient de quitter & eſtre deſchargé dudit nom de Duc de Yorke, de la dignité & preeminence d' iceluy, & enſemble de toutes penſions, gaiges, Offices, & autres poſſeſsions & heritages á luy donnez & octroyez par ſa Maieſté

Parliament made by theſe words, (With the counſell and aſſent of the Prelates, Dukes, Earles, & Barons of our Kingdome of *England* being in this our preſent Parliament; Wee haue made and created, and doe make and create *Henry* Prince of *Wales* and Earle of *Cheſter*, and We doe giue and graunt vnto the ſaid *Henry* the name, ſtyle, State, dignitie and honour of the ſaid Principalitie and Earledome, &c.) *but did not create him Duke of* Cornewall: *which he would haue done, if he had not been Duke of* Cornewall *before by his birth without creation.*

Thirdly, in the ſame Parliament of 19. Hen. 7. *there paſſed an Act of Parliament in theſe words:* 3.
WHEREAS it hath pleaſed Almighty God to cal the Kings deareſt ſonne *Henry* Duke of *Yorke* to be now the Kings heire apparant, and Prince of *Wales*, Duke of *Cornewall*, and Earle of *Cheſter*, by reaſon whereof hee hath great and notable poſſeſſions: Wherefore it is for him conuenient to leaue and be diſcharged of the ſaid name of Duke of *Yorke*, dignitie & preeminence thereof, and of all ſuch annuities, fees, Offices, and other poſſeſſions and hereditaments by the Kings Highneſſe to him giuen and granted be-

ieſte deuant le premier jour de ceſte preſente aſſemblée: Qu'il ſoit partant ordonné, arreſté,& eſtabli par l'advis & conſentement des Seigneurs Eccleſiaſtics & laiz, & du tiers Eſtat en ceſte preſente aſſembleê conuoquez,& par l'authorité d'icelle, que ladite erection & creation faite en la perſonne dudit fils du Roy,comme Duc de Yorke, & tout ſon revenu, dignité,& preeminence dont il joüit par le moyen d'icelle, & la penſion á luy donnée par noſtre Souuerain Seigneur le Roy ſur icelle creation; Et toutes les terres, tenemens, poſſeſsions, heritages, Offices,ou autres choſes, quelques qu'elles ſoyent á luy parcy deuant baillées & octroyées par les lettres patentes du Roy, Ordonnance des Eſtats, ou autrement, Soyent doreſnavant annullées & aneanties. Non obſtant aucuns dons ou octroys faicts par noſtre Souerain Sire le Roy, ou aucunes Ordonnances des Eſtats touchant icelles, ou aucune partie ou membre d'icelles parcydeuant faites au contraire.

Dont il appert clairement, Premierement, que le Roy, les Seigneurs Eccleſiaſtics & layz, & le tiers Eſtat en ladite aſſembleê declarerent expreſſément, que ledit Prince Henry eſtoit Prince

fore the firſt day of this preſent Parliament: Be it therefore enacted, ordeined and eſtabliſhed,by the aduiſe and aſſent of the Lords Spirituall and temporall, and the Commons in this preſent Parliament aſſembled, and by the authoritie of the ſame, that the ſaid erection and creation to the Kings ſaid ſonne, made to him as to the Duke of *Yorke*,and all his eſtate, dignitie and preeminence by reaſon of the ſame, and the annuitie to him granted by the King our Soueraigne Lord, of, for and vpon the ſame creation; And the lands, tenements, poſſeſſions, hereditaments, Offices, or other things whatſoeuer they bee, to him heretofore giuen and granted by the Kings Letters Patents, Act of Parliament or otherwiſe, bee from henceforth vtterly void and of none effect: Any graunts made by the King our Soueraigne Lord,or any Acts of Parliament heretofore made of, and for the ſame or any part or parcell thereof, to the contrary in any wiſe notwithſtanding.

Whereby it plainely appeareth, Firſt, that the King, Lords Spirituall and Temporall, and the Commõs of, and in the ſaid Parliament, expreſſed and declared, That the ſaid Prince Henry *was Prince of Wales,*

Prince de Gales, Duc de Cornouaille, & Comte de Cheſtre; ſi eſt ce qu'il ne fut creé, que prince de Gales, & Comte de Cheſtre ſeulement, & non Duc de Cornouaille.

Secondement, en la meſme Ordonnance il eſt clairement exprimé, (que ledit Prince par iceluy moyen eut des grandes, & notables poſſeſsions) ce qui ſe doibt entendre neceſſairement comme appartenans au Duché de Cornouaille: Car encores qu'il fut creé Prince de Gales & Comte de Cheſtre, ſi eſt ce, qu'il n'eut nulles terres ny poſſeſsions qui luy fuiſſent par icelle creation octroyées.

4. En quatrieſme lieu il appert, que le Prince *Henry* le 27me. de Iuillet, l'an 19. de Hen. 7. donn' atuhorité par ſes lettres patentes en ces mots ſuyvans: HENRICVS *potentiſſimi Henrici ſeptimi Regis Angliæ & Franciæ & Domini Huberniæ filius, Princeps Walliæ, Dux Cornub' & Comes Ceſtr' dilectis & fidelibus noſtris Roberto Willughby Domino de Brooke, Seneſcal' Ducatus noſtri Cornub', Mro. Hugoni Oldham' Clerico, Amiſio Poulett militi, Lodouico Pollard ſeruien' ad legem, Iohanni More, Rogero Holland, Petro Beuyll, Thomæ Hobſon, Hugoni Moleneux, & Iacobo Ereſey, Salutem*: SCIATIS, *quod nos de fide-*

Wales, Duke of Cornewall, and Earle of Cheſter; and yet was hee created but Prince of Wales, and Earle of Cheſter, and not Duke of Cornewall.

Secondly, it is in the ſaid Acte plainely expreſsed, That the ſaid Prince thereby had great and notable poſſeſsions; which muſt of neceſsitie bee as belonging to the Duchie of Cornewall: For although hee was created Prince of Wales and Earle of Cheſter, yet had he no lands or poſſeſsions thereby to him graunted.

Fourthly, it appeareth that 4. *Prince* Henry 27. *Iulij* 19. Hen. 7. *gaue authoritie by his Letters Patents in theſe wordes following.* HENRY ſonne of the moſt mightie *Henry* the 7. King of England, and France, and Lord of Ireland, Prince of Wales, Duke of Cornewall, and Earle of Cheſter, to our truſtie and welbeloued *Robert Willughby* Lord of Brooke, Steward of our Duchie of Cornewall, Maſter *Hugh Oldham*. Clerke, *Amys Poulett* Knight, *Lewes Pollard* Sergeant at Law, *Iohn More*, *Roger Holland*, *Peter Beuyll*, *Thomas Hobſon*, *Hugh Moleneux*, and *Iames Ereſey*, Greeting. KNOW ye that wee relying much vpon your fidelities and circumſpections, haue aſſigned you ten, nine, eight, ſeuen, ſixe,

 fiue,

fidelitate & circumſpectionibus veſtris plurimum confiden' aſſignauimus vos, decem, nouem, octo, ſeptem, ſex, quinque, quatuor, tres & duos veſtrum; quorum aliquem veſtrum vos præfat' Roger' Holland, Thomam Hobſon, Hugonem Moleneux, & Iacobum Ereſey, vnum eſſe volumus, Commiſſionar' & Aſſeſſores noſtros ad omnia & ſingula poſſeſſiones terr' & reuenc' noſtra pro nunc aſſeſſionabilia, ac Stannar', Quarrar', moras, & vaſt' in Comitatu Deuon' & Cornub', de ducatu Cornubiæ exiſten', ſiue ad Ducatum illum ſpectan', tam ad ea quæ nat' ſiue tenent' in Bondag', de nobis tenent, ſiue de nobis aut anteceſſoribus ſiue prædeceſſoribus noſtris, vt de Ducatu præd' tenuerunt, quibuſcunque perſonis idoneis, & ſufficient' in hac parte, aſſeſſand', dimittend' & locand' ad terminum ſeptem annorum, termino illo incipient' ad feſtum S. Michaelis Archangeli proximi futur', prout vobis decem, nouem, octo, ſeptem, ſex, quinque, quatuor, tribus, duobus veſtrum, quorum aliquē veſtrum vos præfat' Rogerum Holland, Thomam Hobſon, Hugonem Moleneux, & Iacobum Ereſey, vnum eſſe volumus, ad aſſeſſand', dimittend' & locand' omnia & ſingula poſſeſſiones terr' & tenem' & cæt' præmiſſa prout pro cōmod' & vtilitate noſtris vobis aſſeſſoribus melius

fiue, foure, three and two of you, (whereof we will haue ſome one of you the forenamed *Roger Holland*, *Thomas Hobſon*, *Hugh Moleneux*, and *Iames Ereſey* to be of the *Quorum*,) for our Commiſſioners and Aſſeſſors to aſſeſſe, demiſe, & let all and ſingular our poſſeſſions, lands, and reuenues at this time to be aſſeſſed, and our Stāneries, quarries, moores, and waſts in the Counties of Deuon and Cornewall, being of the Duchie of Cornewall, or belonging to that Duchie, as alſo thoſe which they that be bondmen, or our Tenāts in Bondage doe hold of vs, or haue held of vs, or of our predeceſſors as of the foreſaid Duchy, To any perſōs whatſoeuer, that be fit and ſufficient in this kind, For the terme of 7. yeeres; That terme to begin at the feaſt of S. *Michael* the Archangel next enſuing: To aſſeſſe, demiſe, and let all and ſingular the poſſeſſions, lands, and tenements and other the premiſſes, euen as vnto you ten, nine, eight, ſeuen, ſixe, fiue, foure, three, or two of you, (whereof we will haue ſome one of you the forenamed *Roger Holland*, *Thomas Hobſon*, *Hugh Moleneux*, and *Iames Ereſey* to be of the *Quorum*) our ſaid Aſſeſſors, ſhall ſeeme beſt to be done for our profit and commoditie,

and

melius videbitur faciend', ac iuxta conſuetud' infra dict' Ducat' in caſu conſimili dimittend' ad terminum annorum ab antiquo vſitat'. AC inſuper ad ſuperuidend' reparationes defect', decaſ', & vaſt' omnium & ſingulorum Caſtrorum, domin', maner', terr', & tenement' molendinorum, ac cæt' præmiſſor' omnium pertin' ad vſum & cõmodum noſtrum appropriand' & reparationes faciend'. ET inſuper ad inquirend' per ſacr' proborum & legalium hominum ſiue alijs vijs & modis, quibus poteritis aut melius ſcieritis de omnibus & ſingulis defect', exilijs, vaſtis, dampnis, venationibus de & in Foreſt', Chaceis, Parcis, Boſcis, & Subboſcis noſtris præd', quæ ad nos pertinent in dampnum & præiudicium noſtrũ fact & perpetrat', & ad quantum valorem ſe particulariter extendunt, & per quos vel per quem huiuſmodi vaſta, deſtructiones, venationes, & venditiones fact' fuerunt, quo tempore, qualiter & quomodo. DAMVS autem omnibus & ſingulis Officiarijs, Miniſtris, Tenentibus & hominibus noſtris firmiter in Mandatum, quod ipſi, & eorum ſinguli vobis decem, nouem, octo, ſeptem, ſex, quinque, quatuor, tribus & duobus veſtrum, in omnibus & ſingulis præmiſsis faciendis & exequendis intendendentes, auxiliantes & obedientes ſint

and according to the cuſtome of demiſing within the ſaid Duchie in the like caſe, for ſuch terme of yeres as hath bene anciently vſed. AND further to ſuruey the reparations, defaults, decayes and waſts of all and ſingular Caſtles, Lordſhips, manners, lands, tenemẽts, mills, and all other the premiſſes thereunto belonging, that are to be appropriated to our vſe and commoditie, and to do reparations. AND further to inquire by the oath of honeſt and lawfull men, or by all other wayes & meanes that you beſt can or know, of all and ſingular defaults, exiles, waſts, damages, hũtings, of and in our Foreſts, Chaces, Parkes, woods, and vnderwoods aforeſaid, which doe belong vnto vs, done & committed to our damage and preiudice, and to what value they do particularly extend, and by what men or what man ſuch waſts, ſpoiles, huntings, and ſales haue bene made, at what time, how and by what meanes. AND we doe giue ſtrait commaundement to all & ſingular our Officers, Miniſters, Tenants and ſeruants, That they and euery of them be attending, helping, and obedient vnto you ten, nine, eight, ſeuen, ſixe, fiue, foure, three and two of you in doing and executing

sint prout decet. IN cuius *rei testimonium has literas nostras fieri fecimus patentes.* DATAS *sub Sigillo nostro apud Manerium dicti potentissimi Domini & patris nostri, de Greenewich vicesimo septimo die Iulij, Anno regni sui decimo nono.*

Les quels Commissaires par la vertu de la dite Commision firent grand nombre de baux á ferme, & asirent plusieurs sommes d'argent pour dons d'entree: lesquelles furent payées & comptées audit Prince Henry deüement, ainsi qu'il appert par les comptes des Officiers, portans date de l'anneé 20me. de Henry 7. dont voicy les mots.

ASSESSIO *siue Arrentatio oim terrarum & tenementorum Henrici potentissimi, Henrici septimi Regis Angliæ & Franciæ, & Domini Hiberniæ filij, Principis Walliæ, Ducis Cornub' & Comitis Cestr' de Ducatu suo Cornub', infra Comitat' Cornub' & Deuon', fact' Mense Octobris, Anno regni Regis præd' vicesimo, per dilectos & fideles suos Robertum Willughby, Dominum de Brooke, Seneschal' Ducatus sui Cornub', Magistrum Hugonem Oldham, Clericum, Amisium Poulett milit', Lodouicum Pollard Seruien' ad legem, Iohannem More, Rogerum Holland, Petrum Beuyll, Thomam Hobson, Hugonem Moleneux,*

ting all and euery of the premisses, as is meete. IN witnesse whereof wee haue caused these our Letters to bee made Patents.

GIVEN vnder our Seale at our said most mighty Lord and father his Mannour of Greenewich the 27. day of Iuly, in the 19. yeere of his reigne.

Who by vertue of the said Commision, granted very many estats, and assessed many fines: which were payd and answered to the said Prince Henry, *accordingly, as by the Ministers accompts of the date of* 20. Hen. 7. *appeareth in these words.*

AN assessement or a Renting of all the lands and tenements of *Henry* son of the most mightie *Henry* the 7. King of England & France, and Lord of Ireland, Prince of Wales, Duke of Cornwall, and Earle of Chester, being of his Duchie of Cornewall in the Counties of Cornewall and Deuon, made in the moneth of October, in the 20. yeere of the raigne of the foresaid King, by his trusty and welbeloued *Robert Willughby* lord of *Brooke*, Steward of his Duchy of Cornewal, Master *Hugh Oldhã* Clerke, *Amys Poulett* knight, *Lewes Pollard* Sergeant at Law, *Iohn More, Roger Holland, Peter Beuyll, Thomas Hobson, Hugh Moleneux,*

leneux, & Iacobum Ereſey, per literas dicti Domini Principis patentes aſsignat', &c.

5. EN cinquieſme lieu, il appert par lettres patentes octroyeés par le Roy Henry 8. portans date du 15me. de Ianuier, l'an 7. de ſon regne en ces parolles. COMME ainſi ſoit que du temps qu'eſtions Prince deuant la mort de noſtre treſ-cher Pere le feu Roy nous dõnaſmes & octroyaſmes par nos lettres patentes á noſtre feal & aimê Conſeiller Charles Booth Clerc, l'eſtat & office de Chancelier, & Garde de nos grands ſeaux á nous pour lors appartenans comme Prince de Gales & Duc de Cornouaille, & des gages de ſoixante liures par an, ſoubs le nom de gages annuels & accouſtumez á iceluy eſtat & Office appartenans á eſtre payez aux feſtes de S. Michel, & de Paſques par portions egales; & á eſtre pris ſur le Duchê de Cornouaille, & ſur les rentes & reuenus yſſans & prouenans tous les ans dudit Duchê; & ce par les mains de noſtre Receueur du Duché, ou de ſes Deputez pour le temps conſtituez. Dont il á eſtê deüement paye & contentê durant la vie de noſtre dit Pere, &c. Or d'icy il eſt evident qu'il eſtoit Duc de Cornouaille du viuant de ſon Pere Henry 7.

EN

Moleneux, & Iames Ereſey, aſſigned by the letters patents of the ſayd Lord the Prince. &c.

Fiftly, it appeareth by a letters 5. *Patents granted by King* Henry 8. *dated* 15. Ianuarij Anno 7. *of his Reigne, in theſe wordes:* WHERE WE in the time of our being Prince, before the death of our moſt deare Father, late King, gaue and granted by our letters patents vnto our truſtie and welbeloued Counſellour *Charles Booth* Clerke, the roume and office of our Chancellorſhip, and keeper of our great Seales vnto vs belonging at that time, as Prince of *Wales*, and Duke of Cornewall, and an annuall fee of threeſcore pounds by the yeere, by name of an annuall and accuſtomed fee to the ſame roume and office belonging, to bee payd at the feaſts of *Michaelmas* and *Eaſter* by euen portions out of our Duchie of *Cornewall*, of the iſſues and reuenues yeerely comming and growing of the ſame Duchie, by the hands of our Receiuer of our Duchie, or his deputies for the time being. Whreof he hath had due paiment and allowance during the life of our ſaid Father, &c. *Whereby it is apparant that he was Duke of* Cornewall *in the life time of K.* Henr. 7.

Sixtly, it appeareth by a Com- 6.

6. EN Sixiesme lieu, il appert par Cõmission bailleé par le mesme Prince Henry l'an 22me. de Henry 7. en ces mots ensuyvans:

HENRICVS *potentissimi Henrici septimi Regis Angliæ & Franciæ, & Domini Hiberniæ filius, Princeps Walliæ, Dux Cornub', & Comes Cestr', dilectis & fidelibus nostris, Hugoni permissione diuina Exoñ Episcopo, Roberto Willughby Dño de Brooke, Seneschal' Ducatus nostri Cornub' in Comitatu Cornub', Petro Beuyle, Iohanni Chamond, Hugoni Moleneux, Iohanni Turner, Iacobi Eresey, & Iohanni Walshe, Salutem.* SCIATIS, *quod nos, de fidelitate & circumspectionibus vestris plurimum confidẽ assignamus vos, octo, septem, sex, quinque, quatuor, tres, & duos vestrum, quorum aliquem vestrum vos præfat' Iohannem Chamond, Hugonem Moleneux, Iohannem Turner, Iacob' Eresey, & Iohannẽ Walshe, vnum esse volumus Commissionar' & Assessor' nostr' ad omnia & singula possessiones, terr', & tenementa nostra pro nunc assessionabilia, ac Stannar', quarrar' tolnet' stañ, moras, & vast' in Comitatu Deuoñ & Cornub' de Ducatu Cornub' existen', siue ad Ducat' illum spectañ tam ad ea quæ ante hæc tempora liberis hoĩbus dimiss' fuerunt, quam ad ea quæ Natiui siue Tenen*

mission graunted by the saide Prince Henry, Anno 22. Hen. 7. *in these words following:* HENRIE sonne of the most mighty *Henry* the 7. King of England and France, & Lord of Ireland, Prince of Wales, Duke of Cornwall, and Earle of Chester, To our trusty and welbeloued *Hugh* by Gods permission Bishop of Exceter, *Robert Willughby* lord of Brooke, Steward of our dukedome of Cornwall in the Countie of Cornewall, *Peter Beuyle, Iohn Chamond, Hugh Moleneux, Iohn Turner, Iames Eresey* and *Ioh. Walsh*, Greeting, KNOW ye that wee relying much vpon your fidelitie and circumspection, do assigne you eight, seuen, sixe, fiue, foure, three, and two of you, (wherof we will haue some one of you the forenamed *Iohn Chamond, Hugh Moleneux, Iohn Turner, Iames Eresey* and *Iohn Walsh* to be of the *Quorum*) for our Commissioners, and Assessors, to assesse, demise, & let vnto any persons whatsoeuer, that be fit and sufficient in this kind, all and singular our possessions, lands and tenements, that are now to be assessed, & our Stanneries, quarries, tolles of tinne, moores & wasts in the Counties of Deuon and Cornwal, being of the Duchie of Cornewall, or belonging to the said Duchy,

as

neñ nostri in Bondag' de nobis tenent, siue de nobis aut prædeces-sor' nostris vt de Ducatu præd' tenuerunt quibuscunque personis idoneis & sufficien' in hac parte assessand', dimittend', & locand', ad terminum 7. annor', Termino illo incipien' ad festum Sancti Michaelis Archangeli proxim' futur', prout vobis octo, septem, sex, quinque, quatuor, tribus, vel duobus vestrum, quorum aliquem vestrum vos præfat' Iohannem Chamond, Hugoñ Moleneux, Iohannem Turner, Iacob' Eresey, & Iohannem Wallshe vnum esse volumus ad assessand', dimittend', & locand' omnia & singula possessiones terr' & tenementa, ac cætera præmissa, prout pro commod' & vtilitate nostris vobis assessoribus melius videbitur, faciend', ac iuxta consuetud' infra dict' Ducat' in casu consimili dimittend' ad terminum annor' ab antiquo vsitat'. Ac insuper ad superuidend' reparacõnes defect' decass', & vast' omnium & singulorum Castrorum, Dominiorum, Maner' terr' & teñtorum molend' & cæter' præmiss' omnium pertinen' ad vsum & commod' nostrum appriand' & reparacõnes faciend'. Et insuper ad inquirend' per sacramentum proborum & legal' hoñm, siue alijs vijs & modis quibus poteritis aut melius sciueritis de omnibus & singulis defect' exilijs vast'

as well those, which in former times haue bin demised to free men, as those which they that be bond men, or our Tenants in Bondage, do hold of vs, or haue held of vs, or our predecessors, as of the foresaid Duchie, for the terme of 7. yeres, That terme to begin at the feast of *S. Michael* the Archangel next ensuing: To assesse, demise, & let all and singular our possessions, lands and tenements, and other the premisses, euen as vnto you eight, seuen, sixe, fiue, foure, three or two of you (whereof wee will haue some one of you the forenamed *Ioh. Chamond, Hugh Moleneux, Ioh. Turner, Iames Eresey & Iohn Walsh* to be of the *Quorũ*) our said assessors shall seeme best to be done for our profit & cõmoditie, and according to the custome of demising within the said Duchie in the like case, for such terme of yeeres as hath bin anciently vsed. And further to suruey the reparatiõs, defaults, decayes, and wasts of al and singular Castles, Lordships, mannors, lands & tenements, milles, and all other the premisses, therunto belonging, which are to bee appropriated to our vse and cõmoditie, and to do reparations. And further to inquire by the oath of honest & lawfull men, or by any other waies and meanes,

vast' dampn' venacõnibus de & in Forrestis, Chaceis, Parcis bosc' & subbosc' nostris pred' quæ ad nos pertinent' in dampn' & preiudicium nostrum fact' & perpetrat' & ad quantum valorem se particular' extend' & per quos vel quem huiusmodi vast' destructiones venacõnes & vendicõnes fact' fuerunt, quo tempore qualiter & quo modo. DAMVS *autem omnibus & singulis Officiar' Ministr' tenent' & hominibus nostris firmiter in mandatum, quod ipsi & eorum singuli vobis octo, septem, sex, quinque, quatuor, tribus, & duobus vestrum quorum dict'* Iohẽm Chamound, Hugonem Moleneux, Iohẽm Turner, Iacob' Ereſey, & Iohẽm Walſh, *vnũ esse volumus in omnibus & singul' premissis, faciend' & exequend' intendent' auxiliant' & obedien' sint, prout decet.* IN *cuius rei testimonium, quia Sigillum nostrum ad manus non habemus, ideo priuat' Sigillum metuendissimi Domini Regis & patris nostri supradicti presentibus apponi procuramus.*

DAT' *decimo die Augusti, Anno regni metuendissimi Domini Regis, & patris nostri predict' vicesimo secundo.*

Par laquelle Commiſſion furent faicts â ce temps lá plus de cinq cens beaux á ferme: & les dons

meanes, that you can or beſt know of all & ſingular defaults, exiles, waſts, damages huntings of, & in our Forreſts, chaces, parks, woods & vnderwoods aforeſaid, which do belong vnto vs, done & cõmitted to our damage and preiudice, & to what value they doe particularly extend, And by what men or man ſuch ſpoiles, waſts, huntings and ſales haue bene made, at what time, how and by what meanes. AND we doe giue ſtrait commandement to all and ſingular our Officers, Miniſters, tenants and ſeruants, that they and euery of them be attẽding, helping, and obedient vnto you, 8. 7. 6. 5. 4. 3. and 2. of you (whereof we will haue ſome one of you the ſaid *Io. Chamõd, Hugh Moleneux, Ioh. Turner, Iames Ereſey & Iohn Walſh* to bee of the *Quorum*) in doing & executing all and ſingular the premiſſes, as is meete. IN witnes whereof, becauſe we haue not our own ſeale at hand, we do therfore procure the Priuie ſeale of our moſt redoubted Lord the King our father, to be put to the abouesaid preſents. GIVEN the 10. day of Auguſt, in the yeere of the raigne of our moſt redoubted Lord the King our father aforeſaid the 22.

By which Cõmiſsion there were then granted 500. *& more eſtates,*

the

dons d'entree,& rentes d'iceux furent payeés audit Prince *Henry*; ainſi qu'il appert par les Comptes d'icelles faicts en ces mots.

ASSESSATIO' ſiue arrentaco' omnium terr' & tenementorum Henrici *potentiſsimi* Henrici *ſeptimi*, *Regis Angliæ & Franciæ, & Domini Hiberniæ filij, Principis Walliæ, Ducis Cornub', & Comitis Ceſtr' de Ducatu ſuo Cornub' infrà Comitat' Cornub' & Deuon' fact' menſe Octobr', Anno regni Regis predict' viceſimo tertio, per dilectos, & fideles ſuos, Hugonem permiſſione diuina Exon' Epiſcopum, Robertum Willughby, Dominum de Brooke, Seneſcal' Ducat' ſui Cornub', Petrum Beuyle, Iohannem Chamond, Hugonem Moleneux, Iohannem Turner, Iacobum Ereſey, & Iohannem Walſh, per litteras dict' Domini, Principis Paten' aſsignat'. Quarum quidem literarum Paten' tenor ſequitur in hæc verba, &c.*

DESQVELS deux Exemples precedens, quoy que quelques exceptiõs captieuſes pourroyent eſtre alleguées contre le premier d'iceux, toutes fois ſa Maieſté & les Seigneurs de ſon Conſeil priué receurent le premier, comme *omni exceptione majus*. Neantmoins fut demandé par le grand & iudicieux

the Fines and Rents thereof being anſwered to the ſaid Prince Henry, *as by the accomptes thereof appeareth, being in theſe words.*

AN ASSESSEMENT or a Renting of all the lands, and tenements of *Henry*, ſon of the moſt mighty *Henry* the 7. King of England, and France, and Lord of Irelãd, Prince of Wales, Duke of Cornwall, and Earle of Cheſter, being of his Dukedom of Cornewall, within the Counties of Cornewall and Deuon, made in the Moneth of October, in the 23. yere of the raigne of the foreſaid King, by his truſtie and welbeloued *Hugh*, by Gods permiſsion Biſhop of Exeter, *Robert Willughby* Lord of Brooke, Steward of his Duchie of Cornewall, *Peter Beuile, Iohn Chamond, Hugh Moleneux, Iohn Turner, Iames Ereſey*, and *Iohn Walſh*, aſsigned by the Letters Patents of the ſaid Lord the Prince: The tenour of which Letters Patents, followeth in theſe words, &c.

OVT of which two Precedents, although ſome captious exceptions might bee made and taken to the firſt of them; Yet his Maieſtie, and the Lords of his Priuie Counſell, conceiued the ſecond to be beyond all exception. *Yet notwithſtanding was it demaunded by the great and iudicious Councel-*

eux Conſeiller Monſeigneur le grand Chancelier d'Angleterre, s'il y avoit aucune autre choſe ou exemple precedent depuis, l'Ordonnance de l'11me. d'Ed.3. iuſques au temps du Roy Henry 7. (cet intervalle de temps ayant eſte ſi grand) pour expliquer le vray ſens & intention de ladite Ordonnance : par ce que l'vſage & la practique ont touſiours eſté les meilleurs interpretes du vray ſens & intẽtion des Ordonnances : A quoy fut reſpondu, qu'il n'y pouuoit auoir aucun Exemple precedent qui touchaſt ce point la directement, par ce que depuis le temps que ladite Ordõnance fut faite, iuſques au regne du Roy Henry 7. n'y auoit eu aucun fils aiſné d'vn Roy d'Angleterre, qui mouruſt durant la vie du Roy ſon pere laiſſant vn frere puiſné pour lors en vie : Et que partant ne ſe pouuoit trouuer aucun Exemple de ceſte ſorte la: toutes fois y auoit il bien vn Regiſtre d'vne Aſſemblee des Eſtats du 5me. de Hen. 4. qui clairement & amplement prouue & declare le vray ſens & intention de ladite Ordonnance de l'anneé 11me. d'Ed.3. Et pource que ledit Regiſtre contient pluſieurs choſes notables & dignes d'eſtre obſeruées, il ne fut pas trouué impertinent d'eſtre inſeré icy in *his verbis*

lour, the Lord Chancellour of England, whether there were any other matter or Precedent after the Statute of 11. Edw. 3. *before the time of King* Henry *the ſeuenth (the ſaid diſtance of time being long) to expreſſe the intent and true meaning of the ſaid Statute; for that vſe and practiſe were euer the beſt Expoſitors of the true intent and meaning of Statutes. Whereunto was anſwered, That there could not be any Precedent directly in that point; for that after the making of that Statute, vntill the Raigne of King* Henry *the ſeuenth, there had not bene any eldeſt ſonne of any King of England, that died in the life of the King his father, leauing a ſecond brother then liuing : And therefore there could not be any Precedent of that kind; but yet there was a Record of Parliament of* 5to. *of* Henry *the fourth, that fully and plainely expreſſeth and prooueth the true intent and meaning of the ſaid Statute of* 11. *of* Edw. *the third. And for that the ſaide Record of Parliament containeth in it ſelfe many notable things worthy the obſeruation, it is not vnfit to ſet downe the ſame in* his verbis, *(although it be long, and but ſome part thereof aptly pertinent to the point in queſtion:) Which Record of Parliament, is as followeth.*

ITEM,

verbis (quoy qu'il ſoit long, & qu'il n'y en ait que quelque partie ſeulement, qui appartienne proprement au poinct dont eſt queſtion) Lequel Regiſtre eſt comme s'enſuyt.

„ ITEM, de les cõe aſſent & vo-
„ lontee de mõn treſhõne Seig-
„ neur le Prince & de ſon Con-
„ ſeil de l'vne partie & de les cõe
„ aſſent & volontee de Mon-
„ ſieur Iohan Cornewall, & de
„ ma treſhõne Dame la Conteſſe
„ de Huntingdon ſa compaigne,
„ & de leur Conſeil de l'autre
„ partie en p̃ſence du Roy & des
„ Seigneurs en Parlement. Vne
„ cedule endentee & ment en-
„ ſeale des certeines matires entre
„ eux accordez feuſt baillez en
„ meſme le parlement pour eſtre
„ enrollez en rolle de parlement
„ du quelle cedule le tenure s'en-
„ ſeute. ¶ FAIT A remembrer,
„ que le xij^me· jour de Marcz Ac-
„ corde ſe priſt s'il ſoit plaiſant a
„ noſtre ſoueraigne Sg^r· le Roy par
„ entre le treſnoble Sg^r· le Prince
„ & Iohan Cornewall Chiualer,
„ & Elizabeth ſa femme en la
„ forme q'enſuyt: C'EST AS-
„ SAVOIR, Pource que la dite E-
„ lizabeth tient certeins Manoirs,
„ terres & tẽnts les queux ledit
„ treſnoble Sg^r· le Prince cleime
„ eſtre annexe a ſon Duchée de
„ Cornouaille. Leſditz Iohan &
„ Dame Elizabeth viendrent en
plein

ITEM, by the common aſſent and will of my thrice-honoured Lord the Prince, and of his Counſell on the one part, and by the common conſent and will of Maſter *Iohn Cornewall*, and of my thrice-honoured Lady the Counteſſe of Huntingdon his wife, and of their Counſell on the other part, in the preſence of the King, and of the Lords in Parliament, A ſchedule indented and alſo enſealed, of certaine matters agreed vpon betwixt them, was preferred in the ſame Parliament to bee enrolled in the Parliament Rolle; The tenour of which ſchedule followeth. ¶ IT IS to bee remembred, that the twelfth day of March, an agreement was made, if it be ſo pleaſing to our Soueraigne Lord the King, betweene the thrice-Noble Lord the Prince, and *Iohn Cornwall* Knight, and *Elizabeth* his wife, in ſuch forme as followeth: THAT IS TO SAY, Foraſmuch as the ſaid *Elizabeth* holdeth certaine Mannors, Lands and tenements, which the ſaid thrice-Noble Lord the Prince, claimeth to be annexed to his Dukedome of Cornewall; The ſaid *Iohn* and Lady *Elizabeth* ſhall come in open Parliament, and before our Lord the King,

they

„ plein parlement & devát noſtre
„ Sg^r. le Roy eux conuſtrent & la
„ dite Elizabeth par luy confeſſera
„ q'ele tient les ditz Manoirs trés
„ & tenemẽts &c. les quels furent
„ & ſont parcell' du dict Duchée.
„ Sur quelle coniſance iugement
„ ſera rendu per noſtre Sg^r. le Roy
„ & Sg^rs. du meſme le parlement,
„ q' le dit treſnoble Sg^r. le Prince,
„ ſoit reſtitut' a les ditz Manoirs,
„ terres & tenements, & les reait
„ quitement a luy & a ſes hoirs.
„ Et apres cell' iugement iſſint
„ renduz ledit treſhõne Sg^r. le
„ Prince grauntera touts les ditz
„ Manoirs, terres & tenemẽts, &c.
„ a les avantditz Iohan & Eliza-
„ beth a auoir & tenir per terme
„ de la vie la dicte Elizabeth. Si
„ come per le fait endentee ledit
„ treſhõne' Sg^r. le Prince appare-
„ ra plus au plein. Et auant ce que
„ liuree dudit fait ſera fait as dits
„ Mons' Iohan & Elizabeth vne
„ entree ſr' la ſouſrendre & iuge-
„ ment auantdits ſera fait per Mi-
„ niſtres mon dit Sg^r. le Prince en
„ ſi brief temps come bõnement
„ puiſſe eſtre fait. Et alors main-
„ tenant apres l'auantdite enden-
„ ture oue vne lettre du garrant d'
„ actione a deliuerer ſeiſyne de p
„ Monſg^r. le Prince as dits Mon-
„ ſeigneur Iohan & Elizabeth
„ des Manoirs & profits auant-
„ dits oue lours appurtenances as
„ dits Monſieur Iohan & Eli-
zabeth

they ſhall acknowledge; and the ſaid Lady *Elizabeth* for her ſelfe ſhall confeſſe, that ſhe holdeth the ſaid Mannours, lands, and tenements, &c. which were and are parcel of the ſaid duchy. Vpon which acknowledgment, iudgement ſhalbe giuen by our Lord the King, & the Lords of the ſame Parliament, That the ſaid thrice Noble Lord the Prince, bee reſtored to the ſaid Mannors, lands and tenements, & ſhal haue them againe quietlyto him & to his heires. And after ſuch iudgment ſo giuen, the ſaid thrice Honoured Lord the Prince, ſhall graunt all the ſaid Mannours, lands & tenements, &c. to the aforeſaid *Iohn* and *Elizabeth*, to haue and to hold for terme of the life of the ſaid *Elizabeth*: As by the deed indented of the ſaid thrice Honoured Lord the Prince ſhall more fully appeare. And before that Liuerie of the ſaid deed ſhalbe made to the ſaid M^r. *Iohn*, and *Elizabeth*, an entrie vpõ the ſurrẽder and iudgement aforeſaid ſhall be made by the Officers of my ſaid Lord the Prince, in ſo ſhort a time, as may conueniently be done. And then preſently after, the foreſaid Indenture, with a letter of Warrant of an Action to *deliuer ſeiſyn*, ſhalbe deliuered on the part of my Lord the Prince,

„ zabeth ou a lours attornez ſera
„ liuré ſolét la purport du la dicte
„ endenture. Enſi que Monſg^r.
„ le Prince ne prendra forſque
„ tant ſeulement attendants &
„ ſeiſin en les Manoirs ſuſditz.
„ Et pur ceo que ledit treſhõne
„ Sg^r. le Prince eſt denz age iſsint
„ q'en leis ſon garant n'eſt pas ef-
„ fectu de pour donner ſeure eſtat
„ á les auantditz Iohan & Eliza-
„ beth pour la vie Elizabeth. Il
„ fera ſeuretee p ſa foy deuant no-
„ ſtre dit Sg^r. le Roy, & touts les
„ Sg^rs. du meſme le plement, que
„ quant il vient á ſon plein age il
„ ſerra, & ſerra avoir as ditz Io-
„ han & Elizabeth pour la vie E-
„ lizabeth ſeure eſtate encontre
„ luy & ſes heirs á tout ſa põair de
„ touts les ditz Manoirs, terres &
„ tenements &c. Enſi que ſi eux
„ facent gaſte en yceux ou en p-
„ cell que alors eux & chaſcun de
„ eux ent ſoit empeſchable du
„ Waſte p Monſg^r. le Prince, &
„ ſes heirs. Et auxint q'il ſuſtien-
„ dra les ditz Iohan & Elizabeth
„ en lour poſſeſsion des ditz Ma-
„ noirs, terres & tenements, &c. á
„ tout ſa poair, durant la vie du
„ dicte Elizabeth. Et á tiele ſeure-
„ ment ferront les treſhõnes Sg^rs.
„ Thomas Iohan & Humfray ſes
„ freres ſi iſsint aueigne que Dieux
„ defende que ledit Duchee vn-
„ ques devient en lour mains. Et
„ auxint ledit treſhõne Sg^r. le
Prince

Prince to the ſaid Maſter *Iohn* and *Elizabeth*, of the Mannours and profits aforeſaid, with their appurtenances, vnto the ſaid Maſter *Iohn*, and *Elizabeth*, or to their Attorneyes, according to the purport of the ſaid Indenture: So as my Lord the Prince ſhall take but onely attendance and ſeiſin, in the foreſaid Mannours. And becauſe the ſaid thrice Honoured Lord the Prince is within age, ſo that in Law his Warrant is not effectuall, for to giue a ſure eſtate to the foreſaid *Iohn* and *Elizabeth*, for the life of *Elizabeth*: Hee ſhall giue aſſurance by his faith before our ſaid Lord the King, and all the Lords of the ſame Parliament, that when he comes to his full age, he ſhall make and cauſe to bee made to the ſaid *Iohn*, and *Elizabeth*, for the life of *Elizabeth*, a ſure eſtate againſt himſelfe and his heires, with all his power, of all the ſaid Mannours, lands and tenements, &c. So as if they doe cõmit any waſte thereupon, or vpon any parcell thereof, that then they, and euery of them, may be impeachable of waſte by my Lord the Prince, and his heires. And alſo that hee ſhall maintaine the ſaid *Iohn*, and *Elizabeth*, in their poſſeſſion of the ſaid Mannours, lands and

„ Prince requirera tous les Sg^rs. e-
„ ſteants en meſme le Parlement
„ de faire teſmoignãce du meſme
„ le ſeurement. Et durant la non-
„ age dudit treſhõne Seigneur
„ le Prince les dits Iohan & Eliza-
„ beth ne ſeront moleſtez ne gre-
„ vez de lour poſſeſsion des dits
„ Manoirs, terres & tenements
„ encontre la forme ſuſdicte. ET
„ TOVT cela ſera enacte en le Par-
„ lemẽt auxibien le fait de graũte
„ dudit treſnoble Sg^r. le Prince
„ fait as ditz Iohan & Elizabeth,
„ deſdits Manoirs, terres & tene-
„ ments &c. ſi come ladicte ſeure-
„ ment fait par ledit treſnoble Sg^r.
„ le Prince & ſes freres auantditz.
„ ET apres tout cela perfourme
„ ledit treſhoñe S^r. le Prince ferra
„ liuree p force de ſon graunt, as
„ ditz Iohan & Elizabeth des
„ touts les ditz Manoirs, terres &
„ teñts, &c. compriſes denz ſon
„ fait de graunt. Et l'auantdits
„ Iohan & Elizab' apres la liuree
„ faite á eux de les dits terres & te-
„ nements & la liuree de fait de
„ graunt dedit treſhoñe Sg^r. le
„ Prince oue la lettre d'atourne ſur
„ meſme le fait ſuſrendront touts
„ lours patentes á l'attornee no-
„ ſtre dit Sg^r. le Prince mainte-
„ nant apres la liuree par luy fait
„ quex eux ont del graunt des
„ ditz terres & tenements. ET
„ SVR ce le xxme. jour de Marce
„ adonques proſchẽin enſeuant
deuant

tenements, &c. with all his power, during the life of the ſaid *Elizabeth*. And the like oath ſhall the thrice Honoured Lords *Thomas*, *Iohn* and *Humfrey* his brethren take, if it ſo happen (which God defend) that the ſaid Duchie doe come into their hands. And alſo the ſaid thrice Honoured Lord the Prince, ſhall require all the Lords being in the ſame Parliament, to beare witneſſe of the ſame oath. And during the nonage of the ſaid thrice Honoured Lord the Prince, the ſaid *Iohn* and *Elizabeth* ſhall not be moleſted nor troubled in their poſſeſſion of the ſaid Mannors, lands & tenements, againſt the forme aboueſaid: AND all this ſhall be enacted in the Parliament, aſwell the deed of graunt of the ſaid thrice noble Lord the Prince, made vnto the ſaid *Iohn* and *Elizabeth*, of the ſaid Mannors, lands and tenements, &c. as alſo the ſaid oath made by the ſaid thrice Noble Lord the Prince, and his brethren aforeſaid. And after all this performed, the ſaid thrice Honoured Lord the Prince, ſhal make liuery by vertue of his graunt to the ſaid *Iohn* and *Elizabeth*, of al the ſaid Mannors, lands and tenements, &c. compriſed within his deed of graunt. And the foreſaid

„ deuãt noſtre dit Seigneur le Roy
„ en plein parlement en preſence
„ des Sg^rs. eſpirituelx & tempo-
„ relx viendrent, ſi bien mon dit
„ Seigneur le Prince come les a-
„ uantditz Iohan Cornewaille &
„ Elizabeth ſa femme en lour pro-
„ pres pſones & conuſtrent. Et
„ S^r.ce la dicte Elizabeth, per le
„ Roy confeſſe cognuſt q'ill tieg-
„ noit â terme de vie la dicte Eli-
„ zabeth les ditz Manoirs, terres
„ & tenements, eſtre parcells du-
„ dit Duche, S V R guelle coni-
„ ſance iugement feuſt rendue par
„ noſtre Sg^r. le Roy & les Sg^rs. en
„ Parlement, que ledit treſnoble
„ Sg^r. le Prince ſoit reſtitut as ditz
„ Manoirs, terres & tenements,
„ & les reait quitement á luy & á
„ ſes heires. A P R E S quel iuge-
„ ment rendue mon dit Sg^r. le
„ Prince graunta, par ſa foy mys
„ en la main noſtre Sg^r. le Roy
„ que maintenant, apres qu'il eit
„ ſeiſine en les ditz Manoirs, trẽs
„ & tenements, & attournement
„ des teñntz en forme come de-
„ ſuis eſt declare en la dicte cedule
„ endentee. L E S Q V E L L E S
„ ſeiſyne & attournement, ſeront
„ pris p les Miniſtres mondit Sg^r.
„ le Prince, auxi haſtiuement cõe
„ bonement purra eſtre fait ſaunz
„ autre profit prendre â luy que
„ meſme Monſiegneur le Prince,
„ par ſon fait endentee grauntera
„ as ditz Monſieur Iohan & Eliza-

ſaid *Iohn* & *Elizabeth* after liue-
ry made vnto them of the ſaid
lands and tenements, and liue-
ry of the deed of graunt of the
ſaid thrice-Honoured Lord the
Prince, with a letter of Attorney
vpõ the ſame deed, ſhall ſurren-
der all their Patents to the At-
torney of our ſaid Lord the
Prince (preſently after liuery
made by him) which they haue
of the graunt of the ſaid lands
and tenements. A N D hereupõ
the xx. day of March then next
enſuing, before our ſaid Lord
the King, in open Parliament in
preſence of the Lords Spirituall
and Temporall, came aſwel my
ſaid Lord the Prince, as the a-
foreſaid *Iohn Cornewall* and *Eli-
zabeth* his wife in their proper
perſons and acknowledged it:
T H E ſaid *Elizabeth* cõfeſſed and
acknowledged before the King,
that ſhee did hold for terme of
the life of her the ſaid *Elizabeth*,
the ſaid Mannors, lands and te-
nements, as parcels of the ſaid
Duchy. V P O N which acknow-
ledgemẽt, iudgement was giuen
by our Lord the King, and the
Lords in Parliament, that the
ſaid thrice-Noble Lord the
Prince, ſhould be reſtored to the
ſaid Mannors, lands and tene-
ments, and ſhould quietly re-
haue thẽ to him & to his heires.
A F T E R which iudgment giuen,

my

„ Elizabeth á terme de vie de dict'
„ Elizabeth, touts les ditz Ma-
„ noirs, terres & tenements, oue
„ lours appurtenances quelcon-
„ ques. Le teneur dequelle fait
„ ſenſuiſt en ceſtes paroles.

HENRICVS *filius illuſtriſſimi Regis Angliæ & Franciæ, primogenitus, Princeps Walliæ, Dux Aquitaniæ, Lancaſtriæ, Cornubiæ, & Comes Ceſtriæ, omnibus ad quos preſentes, literæ peruenerint, Salutem.* SCIATIS *nos dediſſe conceſsiſſe & hac preſenti charta noſtra confirmaſſe Iohanni Cornewaille, & Elizabeth vxori ſuæ Comitiſſæ Huntingdon, Caſtrum & Manerium de Trematon, Manerium de Caleſtocke, Manerium de Aſhburgh, Caſtrum & Parcum de Roſtozmel, Manerium de Roſtozmel, Manerium de Penlyn, Manerium de Penknyth, Burgos, ac villas de Loſtwithiel, & Camelford, totam piſcariam aquæ de Foweye, Manerium de Tevynton, Manerium de Moresk, & Manerium de Tyntagell.* HABENDVM *& tenendum omnia predicta Caſtra, Maneria, Parcum, Burgos, villas, & Piſcarias, cum feodis militum, ac aduocationibus Eccleſiarum, Prioratuum, Hoſpitalium, Cantariarum, Capellarum, Chaceis, parcis officijs molendinis gurgitibus, paſſagijs, boſcis, Warennis, piſcarijs, moris, mariſcis, pratis,*

my ſaid Lord the Prince, graunted by his faith giuē in the hand of our Lord the King, that preſently after that he ſhould haue *ſeiſyn* in the ſaid Mannors, lands and tenements, and attournement of the Tenants in forme as is aboue declared in the ſaid ſchedule indented, (which *ſeiſyn* & attournement ſhould be taken by the Officers of my ſaid Lord the Prince, as ſpeedily, as cōueniently might be, without taking any other profit to himſelfe) the ſaid Lord the Prince would by his deed indented, graunt vnto the ſaid Mr. *Iohn* and *Elizabeth*, for terme of the life of the ſaid *Elizabeth*, all the ſaid Mannors, lands and teneméts, with their appurtenances whatſoeuer; The tenor of which deed followeth in theſe words.

HENRY firſt begotten ſon of the moſt excellent King of England and France, Prince of Wales, Duke of Aquitaine, Lancaſter and Cornewall, and Earle of Cheſter, To all vnto whom theſe preſent letters ſhal come, Greeting. KNOVV ye that wee haue giuen, graunted, and by this our preſent writing haue confirmed vnto *Iohn Cornwall* & *Elizabeth* his wife, Counteſſe of Huntingdon, the Caſtle and Mannor of Trematon, the Mannor of Caleſtock, the Mannor

pratis, pasturis, ferijs, mercatis, francheſijs, libertatibus, cuſtumis, Wardis, maritagijs, Releuijs, Eſcaetis, Commons, tam liberorum Tenentium, quam natiuorum, & reuerſionibus eiſdem caſtris, Manerijs, Parcis, Burgis, Villis, & Piſcarijs predictis ſpectantibus. Simul cum omnimodis alijs proficuis commoditatibus & pertiñ, eiſdem Caſtris, Manerijs, Burgis, Villis, & Piſcarijs prædictis pertinentibus ſiue ſpectantibus præfatis Iohanni & Elizabeth, ad terminum vitæ prædictæ Elizabeth, abſque aliquo nobis ſeu hæredibus noſtris inde reddendo. Et nos verò prædictus Princeps, & hæredes noſtri, omnia prædicta Caſtra, Maneria, Parcum, Burgos, Villas & Piſcarias cum omnibus ſuis pertiñ, vt prædict' eſt, præfatis Iohanni & Elizabeth durante vita prædictæ Elizabeth. Warrantizabimus & defendemus inperpetuum.

IN CVIVS rei teſtimonium præſentes litteræ noſtræ per modum indenturæ ſunt confectæ quarum vni parti penes præfatos Iohannem & Elizabeth remanent' Sigillum noſtrum fecimus apponi, & alteri verò parti penes nos retent', Sigilla prædictorum Iohannis & Elizabeth ſunt appenſa. Hijs teſtibus, Thoma Cantuariẽ, Richardo Eboraceñ Archiepiſcopis, Henrico Lincolñ Epiſcopo

nor of Aſhburgh, the Caſtle and Parke of Roſtozmell, the mannor of Roſtozmell, the mannor of Penlyn, the mannor of Penknyth, the Boroughes & townes of Loſtwithiell and Camelford, all the fiſhing of the water of Foweye, the mannor of Tewynton, the mannor of Moresk, and the mannor of Tyntagell, TO HAVE and to hold all the foreſaid Caſtles, Mannors, Parke, Boroughs, townes and fiſhings with the Knights fees, and the Aduouſons of Churches, Priories, Hoſpitals, Chantries, chappels, Chaces, Parkes, Offices, mills, ſtreames, paſſages, woods, warrens, fiſhings, moores, marſhes, medowes, paſtures, faires, markets, franchiſes, liberties, cuſtomes, wards, mariages, Releiſes, Eſcheates, cõmons, aſwel of free Tenants, as of bondmen, and the reuerſions to the ſaid Caſtles, mannors, parks, boroughs, townes and fiſhings aforeſaid belonging; Together with all maner of other profits, cõmodities, and appurtenances to the ſaid Caſtles, mannors, boroughs, townes and fiſhings aforeſaid belonging or appertaining, to the forenamed *Iohn* and *Elizabeth*, for the terme of the life of the ſaid *Elizabeth*, without rendring any thing to vs or to our heires for the ſame. AND

po Cancellario Angliæ, Edwardo Duce Eborum, Iohanne Comite Somerſet, Henrico de Percy Comite Northumbr', & Willielmo Domino de Roos, Theſaurario Angliæ, & alijs. Dat' apud Weſtmonaſter' ſexto die Aprilis, Anno Regni illuſtriſſimi Regis & patris noſtri, Henrici quarti poſt conqueſtum quinto.

„ ET LE DIT fait lieu in
„ preſence noſtre dit Seigneur le
„ Roy; & les Seigneurs eſpirituelx
„ & temporelx ſuiſditz, mondit
„ Seigneur le Prince graunta que
„ liuree de ſeiſyne ſera fait ſur
„ meſme le fait as ditz Iohan &
„ Elizabeth, ou á lour Attournes
„ ou Attourne ſolont la purport
„ de dit fait. Et que mondit Seig-
„ neur le Prince conuſt, & pro-
„ miſt per ſa dicte foye deuant
„ noſtre dit Seigneur le Roy, &
„ les Seigneurs auantdits, que á
„ ſon plein age il ſerra, & ſerra a-
„ uoir as ditz Iohan & Elizabeth
„ pur la vie la dicte Elizabeth
„ ſeure eſtate contre luy & ſes
„ heirs, de touts les ditz manoirs,
„ terres & tenements. Et eux
„ ſuſtiendra en lour poſſeſsion á
„ tout ſon paoir. ET SVR ce-
„ ſtes promeſſe, & ſeurement en-
„ ſy par luy faitz á perform' il
„ fiſt requeſt a noſtre dit Seig-
„ neur le Roy, & á touts les Seig-
„ neurs eſpirituelx & temporelx,
„ dent porter teſmoignance. Et
en

we the foreſaid Prince and our heires wil warrant & defend for euer, all the foreſaid Caſtles, mannors, parke, boroughes, townes & fiſhings, with all their appurtenãces as is aforeſaid, vnto the forenamed *Iohn* & *Elizabeth*, during the life of the ſaid *Elizabeth*. IN witnes whereof theſe our preſẽt letters are made in maner of an Indẽture: to the one part whereof remayning in the hands of the foreſaid *Iohn* and *Elizabeth*, we haue cauſed our Seale to be put; And to the other part, which is retained in our hãds, the Seales of the foreſaid *Iohn* and *Elizabeth* are annexed. Theſe being witneſſes; *Thomas* Archb. of Canterbury, *Richard* Archb. of Yorke, *Henry* Biſhop of Lincolne, Chancelor of England, *Edward* Duke of Yorke, *Iohn* Earle of Somerſet, *Henr.* of Percy, Earle of Northũberland, and *William* Lord of Roos, Treaſourer of England, & others. GIVEN at Weſtminſter the 6. of April, in the 5. yeere of the raigne of our moſt excellent King and father *Henry*, ſince the Conqueſt the fourth.

AND the ſaid deed being read in the preſence of our ſaid Lord the King, and of the Ll. Spiritual and Temporall aforeſaid, my ſaid Lord the Prince, graunted that liuery of *ſeiſyn* ſhould be made

„ en meſme le mañe les treſ-
„ hoñes Seigneur Thomas, Io-
„ han, & Humfray, freres á mon-
„ dit Seigneur le Prince firent vn
„ tiel ſerement & promeſſe en la
„ forme ſuſdite. ET OVTRE
„ CEO accordez feuſt que apres
„ la dicte liuree eue par les auant-
„ ditz Monſieur Iohan, & Eliza-
„ beth, & la dicte fait endentee
„ mõſtre en la Chancellar' meſme
„ le fait ſera enrolle en meſme la
„ Chancellarie la quelle choſe
„ fuſt graunte par noſtre dit Seig-
„ neur le Roy, & les Seigneurs a-
„ uantdits. ET EN OVTRE
„ noſtre dit Eſſoueraigne Seig-
„ neur le Roy de ſa treſhabun-
„ dante grace graunta en plein
„ Parlement de ratifier & confir-
„ mer la dicte fait endentee & la
„ graunt fait par mondit Seig-
„ neur le Prince a les auantditz
„ Monſieur Iohan & Elizabeth, á
„ terme de vie de dicte Elizabeth
„ en la forme auantdicte.

PAR lequel Regiſtre eſt declaré euidemmẽt, que le Roy, & les Seigneurs Eccleſiaſtics & Laiz furent á ce temps la de ceſte opinion, que ſi Henry lors Prince & Duc de Cornouaille venoit á mourir, Thomas, Iohan, & Humfray ſes freres puiſnez, chaſcun á ſon tour, deuſſent eſtre Ducs de Cornouaille: ſi eſt ce, qu' ils n'eſtoient ny pouuoient eſtre *filij primogeniti nati*, ains *exiſtentes*. Or

made vpõ the ſame deed to the ſaid *Iohn* and *Elizab'* or to their Attorneyes or Attorney, according to the purport of the ſaid deed. And that my ſaid Lord the Prince acknowledged and promiſed by his ſaid faith, before our ſaid Lord the King, and the Lords aforeſaid, that at his full age he would make & cauſe to be made vnto the ſaid *Iohn* and *Elizabeth*, for the life of the ſaid *Elizab'*, a ſure eſtate againſt himſelfe & his heires, of all the ſaid Mannors, lands and tenements; And would maintaine them in their poſſeſſion with all his power: AND vpon this promiſe and oath ſo made by him to performe it, he made requeſt to our ſaid Lord the King, & to all the Lords Spirituall & Temporal, to beare witnes of it. And in the ſame manner the thrice-honoured Lords *Thomas*, *Iohn* and *Humfrey*, brothers to my ſaid Lord the Prince, made ſuch an oath & promiſe in the forme abouesaid. AND moreouer it was agreed, that after the ſaid liuery had by the aforeſaid Mr. *Iohn* and *Elizabeth*, and the ſaid deed indented ſhowed in the Chauncery, the ſame deed ſhould be enrolled in the ſaid Chauncery: which thing was graunted by our ſaid Lord the King, and the Lords aforeſaid.

AND

Or les mots dudit Regiſtre qui monſtrent l'aduis du Roy & des Sgñrs auoir eſtê comme eſt dit ſus ſe trouuent en deux paſſages: Premierement, en ce qu'il eſt dit, Et a tiele ſerement ſerront les treſhoñes Seigneurs Thomas, Iohan, & Humfray ſes freres ſi iſsint aueigne que Dieux defend', que ledit Duchee vnques deuient en lour mains, &c. Ce qui exprime clairement & á plein, que ſi Henry lors Prince & Duc de Cornouaille venoit â deceder, ſadicte Maieſté, & Conſeil furent d'aduis, que les trois freres puiſnez, chaſcun á ſon tour, deuſſent eſtre Ducs de Cornouaille.

Secondement, en ce que leſdits Thomas, Iohan, & Humfray preſterent ſerment deuant le Roy, en pleine aſſemblee des Eſtats, que ſi le Prince Henry venoit â mourir ils accompliroient l'accord, qu'il auoit fait auec ladite Comteſſe, ainſi qu'eſt portê dans le dict' Regiſtre: ce qu'ils ne pouvoient pas faire, ſinõ cõme Ducs de Cornouaille.

3. FINALE-

AND further our ſaid ſoueraign Lord the King, of his moſt abundant grace granted in open Parliament the ratification and cõfirmation of the ſaid deed indented, and of the graunt made by my ſaid Lord the Prince, to the foreſaid Mr *Iohn* and *Elizabeth*, for terme of the life of the ſaid *Eliz'* in the forme aforeſaid.

WHEREBY *it is plainly expreſſed, that the King, and the Ll. Spirituall and Temporall, did then conceiue & were of opinion, that if the then Prince Hen. duke of Cornwall ſhould die, then Tho. Iohn and Humfrey his yõger brothers ſhould in their ſeuerall turnes be Dukes of Cornwall; and yet were they not, nor could be* filij primogeniti nati, *but* exiſtentes. THE *words in the ſaid Record expreſsing the Kings and Ll. opinion to be ſo, are in two parts: Firſt, in that the words are;* And the like oath ſhall the thrice-honored Lords *Thomas*, *Iohn* and *Humfrey* his brethren take, if it ſo happen, (which God forbid) that the ſaid Dukedome doe euer come into their hands, &c. *Whereby it is plainly and fully expreſſed, that if the then Prince* Hen. *Duke of Cornwall ſhould die, then it was cõceiued; That the three yonger brethren in their ſeuerall turnes, were to be Dukes of Cornewall.*

Secondly, in that the ſaid Thomas, Iohn *and* Humfrey *did take their oathes before the King in full Parliament, that if Prince* Henry *ſhould die, then they would performe his agreement made with the ſaid Counteſſe, as in the Record is contained: which they could not doe, but as Dukes of* Cornewall.

3. *LASTLY*

3. FINALEment, reſte de prouuer, qui eſt le vray ſens & intention des mots contenus en la dite Ordonnance, aſçauoir, *filius primogenitus*, ou *filij primogeniti*, par des Ordonnances & des Exemples precedens tant deuãt ladite Ordonnance de l'11me. d'Ed. 3. que depuis.

1. Quant aux Ordonnances & Exemples precedens, qui declarent la vraye expoſition de ces mots (*filius primogenitus*) deuant l'Ordonnance de l'11me. d'Ed. 3. il y en á pluſieurs.

1. PRemierement, l'Ordonnance de Malbrige, qui a eſté faite, pour dõner remede contre ceux, *Qui primogenitos & hæredes ſuos infra ætatem exiſtentes feoffare ſolent de hæreditate ſua &c.* En laquelle Ordonnance quoy que le mot ſoit (*primogenitos*) toutesfois la conſtructiõ, & la practique d'icelle touſiours depuis a eſté telle, que ſi des infeodations ſe font aux fils

3. LASTLY, as to the point to *prooue what is the true ſenſe and meaning of the wordes in the ſaid Statute contained, being* filius primogenitus, *or* filij primogeniti, *by Statutes and Precedents both before the ſaid Statute of* 11. Edward 3. *and ſince.*

1. *For the true expoſition of the wordes* (filius primogenitus) *the Statutes and Precedents before the Statute of* 11. Edward 3. *are many.*

1. FIrſt, *the Statute of* Malbridge, *which was made to prouide a remedie againſt thoſe*, Who were wont to enfeoffe their firſt begotten, and their heires being within age of their inheritance, &c. *There, although the words in that Statute bee* (firſt begotten) *yet hath it bene euer ſince conſtrued and practiſed, that if Feoffements be made to ſecond ſonnes* (*beeing*

fils puiſnez (venans à eſtre heritiers apres la mort de leurs freres aiſnez) cela contreuiẽt à l'intention, prouiſion, ou remede d'icelle Ordonnance.

2. Secondement, cela appert auſſy dans le Brief d'Ayde qui ſe trouue en *Fitzherbert*, dont voicy les mots: *Rex Vicecom', &c. Precipimus tibi qd' iuſte &c. facias habere rationabile auxilium de militibus & liberè tenentib' ſuis in ball' tua ad primogenitum filium ſuum Milit' faciend', vel ad primogenitã filiam ſuã maritand', iuxta formã Statuti de cõi Cõſilio Regni noſtri Angl' inde prouiſi.* Toutesfois, ſi le premier fils vient à mourir, le ſecõd fils eſtant heritier de ſon pere aura cet Ayde, quoy que les mots ſoyent *filium primogenitum & hæredem*: Pareillement, ſi la fille aiſnée vient à deceder, y ayant vne puiſnée encores en vie, le pere aura vn Ayde pour le mariage d'icelle, encores qu' elle ne ſoit *filia primogenita*. Dont la conſtruction & la practique eſt declarée p celles cy, & pluſieurs autres Ordonnances & Exemples precedens auoir eſté telle, qu'on l'a pris touſiours pour *filius primogenitus*, ou, *filia primogenita exiſtens*, & non pour *filius primogenitus natus*, ou, *filia primogenita nata* ſeulement.

2. Se-

heires after the death of their elder brothers) it is within the ſenſe, puruiew, or remedy of that Statute.

Secondly, it likewiſe appeareth in the Writt of Ayde in Fitzherbert, *which followeth in theſe wordes*: The King to the Sheriffe, &c. Wee commaund you that &c. you cauſe to bee had a reaſonable Ayde of the Knights and his free Tenants in your Bayliwicke, to make his firſt begotten ſonne Knight, or to marry his firſt begotten daughter, according to the forme of the Statute, by the Common Counſel of our Kingdome of England therein prouided. *And yet if the firſt ſonne dye, the ſecond ſonne being heire to his father, ſhall haue that Ayde; and yet the words are* (firſt begottten ſonne and heire:) *And ſo, if the eldeſt daughter dye, a ſecond then liuing, the father ſhall haue Ayde to marry her, and yet ſhee is not* the firſt begotten daughter: *Which by theſe and many other Acts of Parliament, and Precedents hath bene euer conſtrued and practiſed to be* the firſt begotten ſonne, or firſt begotten daughter being, *and not* firſt begotten ſonne borne, *or* firſt begotten daughter *borne onely.* 2.

2. *Secondly,*

2. Secondement ce qui eſt & a touſiours eſté receu eſtre le vray ſens & intention des mots, *filius Primogenitus*, contenus en ladite Ordonnance de l'11me. d'Ed. 3. eſt declaré, expliqué, & confirmé par pluſieurs Ordonnances ſubſequentes.

2. *Secondly, to prooue what is and hath bene conceiued to be the ſenſe and true meaning of the wordes* filius primogenitus *in the ſaid Statute of* 11mo. Edw. 3. *conteined; it is declared, expreſſed, and approued by diuers ſubſequent Statutes. As,*

1. PRemierement, par vne Ordonnance, fait le ſecond jour de May l'an 9me. du regne de Henry 5. en ces mots enſuyuans. FAIT aſçauoir, que combien al Parlement tenuz á Weſtmoñ le Lundy proſchein apres le feſt de St. Mathie l'Apoſteil l'an du Reigne le Roy Edward tierce apres le Conqueſt xjme. entre autres choſes fuit accorde que les fitz eiſnes des Roys d'Engleterr' c' eſt aſſauoir ceux qui ſerroient heirs proſcheins du Realme d'Engleterre fuiſſent Ducs de Cornwaille, & que le Couñte de Cornwaille toutz jours demoreroit come Duchie á les eiſnes fitz des Roys d'Engleterre qui ſerroient heires proſcheins du dit Roialme, ſanz eſtre allours donee. Et ſur ce le dit Roy Edward par ſa Chartre,

1. *FIrſt, by a ſtatute made 2do Maij, Anno Regni Hen.* 5ti. 9no. *in theſe words folowing.* IT Is to be made knowne, that whereas at the Parliament holden at Weſtm. the Munday next after the feaſt of *S. Matthias* the Apoſtle, in the yeere of the raigne of K. *Edw.* the 3, after the Conqueſt the xj, amõgſt other things it was agreed, That the eldeſt ſonnes of the Kings of England, that is to ſay, they that ſhould be next heires to the Realme of England, ſhould bee dukes of Cornwal, And that the County of Cornwall ſhould for euer remaine as a Duchy to the eldeſt ſonnes of the kings of England, that ſhould be next heires of the ſaid Realme, without being giuen elſewhere: And that thereupon the ſaid *K. Edward* by his Charter the 17. day of March then

„ tre le xvij^e. jour de Marcz a-
„ donques proſchein enſeuant
„ de cõe aſſent & Conſeil des
„ Prelats, Counts, Barons, &
„ dez autres de ſon Counſeil en
„ ſon dit Parlement eſteantz
„ dona a Edward ſon fitz eiſne
„ adonques Counte de Ceſtre,
„ lez noñ & honnour del Duc
„ de Cornwaille. Et luy en Duc
„ de Cornwaille fiſt: Et oueſ-
„ que vn eſpe luy ceinta. Et
„ pur oſter doutes en temps a-
„ uenir quele choſe & combien
„ lauantdit Duc & autres Ducs
„ de meſme le lieu, qui pour
„ temps ſerroient en noñ de dit
„ Duchy auoir deuoient toutz
„ choſes en eſpeciall queux al
„ dit Duchee appartenir voilloit
„ par meſme le Chartre miſt en
„ certein: Et ſur ceo meſme le
„ Roy par ſa dit Chartre dona
„ & graunta pur luy & ſes heires,
„ a ſon dit fitz deſoutz lez noñ
„ & honnour del Duc de dit
„ lieu diuerſes Chaſteux, Man-
„ nours, terres, tenements, & au-
„ tres poſſeſsions. Entre queux
„ le dit Roy graunta que le Man-
„ nour de Iſtilworth, oue les
„ appurtenances en le Counte
„ de Middleſex, lequelle Philippe
„ alors Roigne d'Engleterre ti-
„ ent a terme de ſa vie, & le-
„ quelle apres le morte dudit
„ Roigne al dit Roy & ſes heirs
„ duiſt reuertier puis le deceſſe
dudit

then next enſuing, with the common aſſent and counſell of the Prelats, Earles, Barons, and others of his Counſell being in his ſaid Parliament, gaue vnto *Edward* his eldeſt ſonne then Earle of Cheſter, the name and honour of Duke of Cornwall, and made him Duke of Cornewall, and girded him with a Sword: And to take away doubts for the time to come, what things and how much the foreſaide Duke, and other Dukes of the ſame place, (who for the time ſhould haue the name of the ſaide Duchie) ought to haue, hee did expreſſe in certaine by the ſaid Charter, all things in ſpeciall which hee would haue to belong to the ſaid Duchy. And thereupon the ſame King by his ſaid Charter, gaue and graunted for him, and for his heires, vnto his ſaid ſonne, vnder the name and honour of Duke of the ſaid place, diuers Caſtles, Mannors, Lands, tenements, and other poſſeſſions. Amongſt which the ſaid King granted, that the Mannour of Iſtleworth, with the appurtenances in the Countie of Middleſex, which *Philip* then Queene of England held for terme of her life, and which after the death of the ſaid Queene, ought to re-
turne

„ dudit Roigne ledit Mannour
„ de Iſtilworth oue les appurte-
„ nances remaindroit al dit Duc,
„ & a les fitz eiſnes de lui & de
„ ſes heires Roys d' Engleterre,
„ & Ducs del lieu ſuiſdit ; & en
„ le Royalme d' Engleterre en-
„ heritablement á ſucceder: les
„ queux treſtoutz Caſtells, Man-
„ nours, terres, tenements, & au-
„ tres poſſeſsions, oueſque fees
„ des Chiualers, & Auowſoñs
„ des Eſgliſes, Abbeis, Prioreis,
„ Hoſpitalls & Chappels, Et
„ oueſque Hundredes, Wapen-
„ takes, Piſcheryes, Forreſts,
„ Chaces, Parkes, boijs, war-
„ rennes, feires, marches, liber-
„ tees, & Francs, Cuſtumes,
„ Wardes, Reliefes, Eſchetes,
„ & ſeruices des Tenants, ſibien
„ de francs come des Nieſs. Et
„ toutz autres choſes á lez dits
„ Chaſtels, Mannours, terres,
„ tenements, & autres poſſeſsi-
„ ons ſuiſditz, en aſcuñ manner'
„ regardants ou appurtenants
„ l'auantdit Roy per ſa dit Char-
„ tre pur lui & pur ſes heires an-
„ necta, & vnia meſme le Du-
„ chy, pour toutz jourz á icell
„ demurez iſsint que de meſme
„ le Duchy en null' temps en a-
„ pres aſcunement duiſſent eſtre
„ ſeuerez, ne á aſcuns perſons ſi-
„ non á lez Ducs dudit lieu par
„ le dit Roy Edward ne ſes heires
„ en null' manner' duiſſent eſtre
donez

turne to the ſaid King and his heires, After the deceaſe of the ſaid Queene, the ſaid Mãnor of Iſtleworth with the appurtenances ſhould remaine to the ſaid Duke, and to the eldeſt ſonnes of him and of his heires Kings of England, and Dukes of the place aforeſaid, and that were inheritably to ſucceed in the kingdome of England. All which Caſtles, Mannors, lands, tenements, and other poſſeſſions, with the Knights Fees, and Aduowſons of Churches, Abbeies, Priories, Hoſpitals and Chappels, And with the Hundreds, wapentakes, fiſhings, forreſts, chaces, parks, woods, warrens, faires, markets, liberties, & free cuſtomes, Wards, Reliefes, Eſcheates, and ſeruices of Tenants, aſwell free as bondmen; And all other things to the ſaid Caſtles, Mannors, lands, tenements, and other poſſeſſions aforeſaid in any maner belonging or appertayning, the foreſaid King did by his ſaid Charter for himſelfe & for his heires, annexe & vnite to the ſaid duchie for euer thereunto to remaine, ſo as frõ the ſaid Duchy they might at no time after be in any wiſe ſeuered, nor might be in no ſort giuen nor granted to any perſons, but to the dukes of the ſaid place, by the ſaid *K.*

„ donez ne grauntez. NIENT-
„ MEINS, le Roy noſtre treſſoue-
„ reigne Seigneur adore graunte
„ & ordeine en ceſt preſent Par-
„ lement del aſſent de toutz les
„ Seigneurs Eſpirituelles & tem-
„ porelles, & de lez cõez aſ-
„ ſemblez en ceo meſme Parle-
„ ment, que le dit Mannour
„ de Iſtilworth oueſque les Fees
„ dez Chiualers, & Auowſons d'
„ Eſgliſes, Chaunteries, & Cha-
„ pells, & oueſque Hundreds,
„ Wapentakes, Piſcheries, For-
„ reſts, Chaces, Parkes, boïjs,
„ warrennes, feires, marches, li-
„ bertees, & francs Cuſtumes,
„ Wards, Reliefes, Eſcheates,
„ & ſeruices des Tenants, ſi-
„ bien dez francs come des Nieſes,
„ gourtes, aeues, & toutz autres
„ choſes al dit Mannour de Iſtil-
„ worth en aſcun manner regar-
„ dantz, ou appurtenantz, ſoit
„ par authority de ceſt Parlement
„ ſeueree diſannexee, & diſunie
„ del dit Duchy de Cornouaille,
„ pour toutz jourz. Et outre
„ ceo noſtre dit Souereigne Seig-
„ neur per authorite de meſme
„ ceo Parlement done grante &
„ aſsigne meſme le Mannour de
„ Iſtilworth, oueſque les Fees
„ dez Chiualers, & Auowſons
„ deſgliſes, Chaunteries, & Cha-
„ pelles, & oueſque Hundredes,
„ Wapẽtakes, piſcheries, forreſts,
„ Chaces, Parkes, boijs, warrẽnes,
feires,

Edward nor his heires. NEVERTHELES, the King our Soueraigne Lord doeth now graunt and ordaine in this preſent Parliament, with the aſſent of all the Lords Spirituall and Temporall, and of the Commons in the ſame Parliament aſſembled, that the ſaid Mannour of Iſtleworth, with the Knights fees, & Aduowſons of Churches, Chauntries, & chappels, and with the Hundreds, wapentakes, fiſhings, forreſts, chaces, parkes, woods, warrens, faires, markets, liberties, and free cuſtomes, Wards, Reliefes, Eſcheates, & ſeruices of Tenants, aſwel free as bõdmen, ſtreames, waters, and all other things to the ſaid Mannor of Iſtleworth, in any ſort belonging or appertaining, Bee by the authoritie of this Parliament ſeuered, diſannexed, and diſunited from the ſaid Duchy of Cornwal for euer. And further our ſaid ſoueraigne Lord, by the authoritie of the ſame Parliament, doeth giue, graunt and aſſigne the ſaid Mannor of Iſtleworth, with the Knights fees and Auowſons of Churches, Chauntries & chappels, And with the Hundreds, Wapentakes, fiſhings, foreſts, chaces, parkes, woods, warrens, faires, markets, liberties and free Cuſtomes, Wards, reliefes, Eſcheats

„ feires, marches, lib'tees & francs
„ cuſtumes, Wards, Reliefes, Eſ-
„ che ts, & ſeruices de tenants,
„ ſibien de francs come de Niefs,
„ gourts, aeues & touts autres
„ choſes, al dit Mannor de Iſtil-
„ worth en aſcune manner' regar-
„ dantz ou appurtenátz al Abbes,
„ & Couét de Moñeſtre de Seint
„ Sauiour, & S. Marie la virgine,
„ & Brigette de Syon de l'or-
„ dre de S. Auſtyn de S. Sauiour
„ appellez, per noſtre dit Soue-
„ raigne Sgr. en Iſtilworth in le
„ Counte de Midd' nouellement
„ founduz: A auoir & tenir as
„ ditz Abbes & Couent, & lour
„ ſucceſſors en pure & perpetuell
„ Almoigne oue ſuffiſant Clauſe
„ de garrante affaire per meſme le
„ noſtre ſoueraigne Sñr pour luy
„ & ſes heires, as ditz Abbes &
„ Couent, & lours Succeſſors pur
„ toutz jourz, &c.

En la quelle Ordonnance des Eſtats eſtant la premiere & la plus approchante du temps que ladite Ordonnance de l'11me. d' Ed. 3. fut faite, deux choſes doibuent eſtre principalement obſeruées.

1. La premiere, en ce qu'elle recite l'Ordonnance de l'11me. annee d' Ed. 3. & dit, que par icelle Or-
„ dõnance: FVIT accorde, que
„ les fits eiſnes des Roys d' Engle-
„ terre, c' eſt aſſauoir, ceux qui ſer-
„ roiẽt heirs procheins du Realme d'An-

cheats and ſeruices of Tenants, aſwell free as bõdmen, ſtreames, waters, and all other things to the ſaid Mannor of Iſtleworth in any ſort belonging or appertayning, To the Abbeſſe and Couent of the Monaſterie of *S. Sauiour*, and *S. Mary* the Virgine, and *S. Bridget* of Sion, of the order of *S. Auſtine*, called *S. Sauiours*, by our ſaid Soueraigne Lord in Iſtleworth in the County of Middleſex newly founded. TO haue and to hold to the ſaid Abbeſſe and Couent, and their ſucceſſors, in pure and perpetuall Almes, with a ſufficient clauſe of warranty to bee made by our ſaid Soueraigne Lord, for himſelfe and his heires, to the ſaid Abbeſſe and Couent, and their ſucceſſors for euer, &c.

OVT *of which Acte of Parliament, being the firſt and neareſt the time of the making of the ſaid Statute of* 11mo. Ed. 3. *two things are effectually to be obſerued.*

Firſt, in that it reciteth the Statute of 11mo. Ed. 3. *to be, That by that Statute*, IT WAS agreed, that the eldeſt ſonnes of the Kings of England, that is to ſay, they which ſhould bee next heires to the Realme of England, ſhould be Dukes of Cornwall, And that the Countie of Cornewall ſhould for euer remaine 1.

„ d' Angleterre, fuiſſent Ducs de
„ Cornewaill. Et que le Counte
„ de Cornewaill toutz iourz de-
„ moreroit cõe Duchy á les eiſnes
„ fitz des Roys d'Angleterre, qui
„ ſerroyent heires procheins du
„ dit Royalme, ſanz eſtre aillours
„ donnêe.

2. „ LA *ſeconde, en ce qu'elle de-*
„ *clare, que* Sur ce ledit Roy Ed-
„ ward par ſa Chartre le 17me. iour
„ de Marcz adonques prochein
„ enſeuant de cõe aſſent & coun-
„ ſeill des Prelats, Counts, Barons,
„ & des autres de ſon Counſeill
„ en ſon dit Parlement eſteants
„ done á Edward ſon fits eiſne le
„ dit Duchy de Cornwaill &c. Et
„ entre autres Chaſteux, Man-
„ nors, &c. graunta que le Man-
„ nour de Iſtilworth, en le Counte
„ de Middl' remaindroit al Duc,
„ & a les fitz eiſnes de Duc, &
„ de ſes heires Roys d'Engle-
„ terre, &c.

„ AV recit deſquelles deux Ordõnances (car le ſecond Regiſtre eſt d'vne Ordonnance, auſſy bien que le premier, ainſi qu'il appert par le Rapport du Cas du feu Prince) les mots de (*filius primogenitus*) ne s'y trouuent point. Ce que prouue clairement & expreſſément, que ladite aſſemblee des Eſtats ne fit aucune differẽce de cõſtruction entre les mots de (*filius primo-*
„ *genitus*) & ceux de (les fitz eiſnes des

maine as a Duchy to the eldeſt ſonnes of the Kings of England, who ſhould be next heires of the ſaid Realme, without being beſtowed elſewhere.

SECONDLY, *In that it ex-* 2
preſſeth, that, Thereupon the ſaid King *Edward* by his Charter the xvij. day of March then next enſuing, with the common aſſent and counſell of the Prelates, Earles, Barons, and others of his Counſell being in his ſaid Parliament, gaue to *Edward* his eldeſt ſonne, the ſaid Duchy of Cornewall, &c. And amongſt other Caſtles, Mannors, &c. graunted, That the Mannor of Iſtleworth in the Countie of Middleſex ſhould remaine to the Duke, and to the eldeſt ſonnes of the Duke, and of his heires Kings of England, &c.

IN *the recitall of both which Statutes (for ſo the laſt was aſwell as the firſt, as by the Report of the late Prince his Caſe it appeareth) there be no words* of (firſt begotten ſonne) vſed: *Which plainely and fully prooueth, That the ſaid Parliament then made no difference of cõſtruction betweene the words* (firſt begotten ſonne) *and the words* (the eldeſt ſonnes of the Kings of England, *That is to ſay*, thoſe that ſhould be next heires to the Realme of England.) SECOND-

„ des Roys d'Engleterre, c'eſt aſ-
„ çauoir, ceux qui ſerroient heires
„ procheins du Royalme d'En-
„ gleterre.)

2. SECONDEMENT, cela ſe prouue par vn Regiſtre, *In Mdis. Scaccarij de Anno* 30mo. *nuper Regis Henr'* 8ui. viz. *Inter Record' de Termino S. Trinit' Rotul'* 14to. *in Scaccario ex parte Rememorator' Theſaurarij remanen̄ continetur inter alia vt ſequitur.* Quod quidam *Edmundus quondam Comes Cornubiæ fuit ſeitus de prædict' Comitat' Cornub' ac de feodis Milit' & al' feod' eidem Comitat' pertinen̄ in dn̄ico ſuo vt de feod' & Iur', Et ipſe ſic inde ſeiſitus de tali ſtatu inde obijt ſeiſitus, Poſt cuius mortem prædict' Comitat' Cornub' ac feod' milit' & al' feod' eidem Comitat' pertin̄ deſcendebant Domino Edwardo quondam Regi Angliæ primo vt conſanguineo & hæred' prædict' Edmundi nuper Comitis Cornubiæ,* viz. *filio Domini Henrici nuper Regis Angliæ tertij, filij Regis Iohannis patris Richardi, patris præd' Edmundi.* Virtute *cuius idem nuper Rex Edwardus primus fuit ſeiſitus de & in prædict' Comitat' & cæteris præmiſſis cum omnibus ſuis pertinen̄ in Dominico ſuo vt de feod'. Et ipſe ſic inde ſeiſitus de tali ſtatu obijt inde ſeiſitus. Poſt cuius mortem idem Comitat' ac cætera præmiſſa*

SECONDLY, *it is expreſſed in a Record,* In the remembrances of the Exchequer of the 30. yere of the late King *Henry* 8. *viz.* Amongſt the Records of the Terme of the holy *Trinitie* the 14. Rolle in the Exchequer remayning on the part of the Remembrācer of the Treaſourer is cōtained amōgſt other things as foloweth. THAT one *Edmund* in times paſt Earle of Cornwall, was ſeized of the foreſaid Countie of Cornewall, and of the Knights fees & other fees to the ſaid County belonging, in his demeſne as of fee & right: And being therof ſo ſeized of ſuch an eſtate, died ſeized thereof; After whoſe death, the foreſaid Coūtie of Cornwal, and the Knights fees, and the other fees to the ſame Countie belonging, did deſcend vnto Lord *Edward* in times paſt King of England the firſt, as being kinſeman & heire to the foreſaid *Edmund* late Earle of Cornwall, that is to ſay, ſonne of the Lord *Henry* late King of England the 3. ſonne of King *Iohn*, father of *Richard* father of the foreſaid *Edmund*: BY vertue wherof the ſame late K. *Edward* the firſt was ſeized of and in the foreſaid County, and other the premiſſes, with all his appurtenances in his *Demeſne* as of fee. And hee thereof ſo ſeized of 2.

miſſa cum omnibus ſuis pertineñ ad eundem Comitat' pertineñ deſcendebãt Domino Edwardo nuper Regi Angliæ ſecundo vt filio & hæred' prædict' nuper Regis Edwardi primi. Virtute *cuius idem nuper Rex Edwardus ſecundus fuit inde ſeiſitus in Dominico ſuo vt de feod'. Et ipſe ſic inde ſeiſitus de tali ſtatu obyt inde ſeiſitus: Poſt cuius mortem prædict' Comitat' Cornubiæ ac cætera præmiſſa cum omnibus ſuis pertineñ eidem Com' pertineñ deſcendebãt Domino Edwardo nuper Regi Angliæ tertio, vt filio & hæred' dict' nuper Regis Edwardi ſecundi.* VIRTVTE *cuius idem nuper Rex Edwardus tertius fuit inde ſeiſitus in Dominico ſuo vt de feod': Et ipſe ſic inde ſeiſitus exiſtens, Ad Parliamentum ſuum, Anno regni ſui* 11mo. *tent' inter al' ordinatum & inactitatum fuit,* QVOD *dict' Comitat' Cornubiæ inperpetuum moraretur, vt Ducat' filio Seniori Regum Angliæ qui eſſent hæred' propinquiores regni abſque aliquo modo donarij, prout in eodem Act' plenius continetur:* POSTEAQVE PRÆDICTVS *nuper Rex Edwardus tertius per literas ſuas pateñ dat' tertio die Ianuarij Anno regni ſui* 11mo. *& Irrotulat' in M^dio. Scaccarij de Anno* 42do. *dict' nuper Regis Edwardi tertij* viz. *inter Record' de Termiñ Sancti Michaelis Rotul'*

ſuch an eſtate, died thereof ſeized. After whoſe death the ſaid County and other the premiſſes, with all their appurtenances vnto the ſame County belonging, did deſcend vnto Lord *Edward* late King of England the ſecond, as ſonne & heire of the foreſaid late King *Edward* the firſt: BY vertue whereof the ſame late *K. Edward* the ſecond was thereof ſeized in his *demeſne* as of fee: And he thereof ſo ſeized of ſuch an eſtate, died therof ſeized: After whoſe death the foreſaid County of Cornwal, & other the premiſſes with all their appurtenances vnto the ſaid County belonging, did deſcend vnto Lord *Edward* late King of England the third, as ſonne & heire of the ſaid late *K. Edw.* the ſecond: BY vertue wherof the ſame late *K. Edward* the third was thereof ſeized in his *Demeſne* as of fee: And he being thereof ſo ſeized, At his Parliament holden in the 11. yeere of his raigne, amongſt other things it was ordained and enacted: THAT the ſaid Coũtie of Cornwall ſhould for euer remaine as a Duchy to the eldeſt ſonne of the kings of England, which ſhould be next heire to the kingdome, without any forme of gift, as in the ſame Act is more fully contained. AND

after-

Rotul' 15to. ex parte Rememor' Theſaurarij Recitans per eaſdem, Quod cum nuper perſonam dilecti & fidelis ipſius nuper Regis Edwardi tunc Comit' Ceſtriæ filij ſui primogeniti honorare volens, eidem filio ſuo Nomen & honorem Ducis Cornubiæ dederit, ipſumque in Ducem Cornubiæ præfecerit, & gladio cinxerit vt deceret: Et præfato filio ſuo pro Statu & honore Ducis Cornubiæ iuxta Nobilitat' ſui generis continuand' & oneribus tantum incũbentibus facilius ſupportand', DEDERIT & conceſſerit pro ipſo nuper Rege & hæred' ſuis præfato filio ſuo Vicecomitat' Cornubiæ, &c. HABEND' *& tenend' eidem Duci & ipſius & hæredum ſuorum Regum Angliæ filijs primogenitis, & dict' loci Ducibus in regno Angliæ hæreditarié ſucceſſur'. Vna cum feod' Milit' & Aduocac' Eccleſiarum, ac omnibus alijs ad Caſtra, Burgos, Villas, Maner', & Honor' prædict' qualitercunque ſpectañ de eodem nuper Rege & hæred' ſuis inperpetuum, Prout in Charta dict' nuper Regis præfato tunc Duci inde confecta plenius continetur.*

AV recit de la premiere des quelles Ordonnances, il eſt dit, qu'il fut par icelle ordonné, *Quod dict' Comitat' Cor-*

afterward the foreſaid late King *Edw.* the 3. by his letters Patents dated 3. day of Ianuary, in the 11. yeere of his raigne, & enrolled in the Remembrances of the Exchequer of the 42. yere of the ſaid late King *Edward* 3. *viz.* Amongſt the Records of the Terme of *S. Michael* the 15. Roll on the part of the Remẽbrancer of the Treaſourer, Reciting by the ſame, That wheras he lately intending to honour the perſon of the beloued & loyall, his the late *K. Edwards* firſt begotten ſon then Earle of Cheſter, gaue vnto the ſame his ſon the name and honour of Duke of Cornewall, and aduanced him to bee Duke of Cornwall, and girded him with a Sword, as was meet: And gaue & graunted vnto his foreſaid ſonne for the cõtinuing of the State and honõr of Duke of Cornewall, according to the nobilitie of his birth, and for the more eaſie ſupporting of the burdens which lye ſo much vpõ him, for himſelfe the late King and his heires, vnto his foreſaid ſonne, the Shriualtie of Cornewall, &c. To haue and to hold to the ſaid Duke, and to his and his heires the Kings of England their firſt begotten ſonnes and Dukes of the ſaid place, that were hereditarily to ſucceed in the kingdome of England, To-

gether

Cornubiæ inperpetuum moraretur, vt Ducat' filio Seniori Regum Angliæ, qui essent hæred propinquiores Regni: Et n'est point faite mẽtion de *filius primogenitus*, ou *filij primogeniti*, ou *filijs primogenitis*.

Et en la seconde d' icelles Ordonnances, faicte par les dicts Estats de mesme, que la premiere (qui fut establie aussy seulement pour euiter les doubtes & questions, qui pouroient naistre touchant, ce qui appartenoit ou deuoit appartenir audit Duché de Cornouaille, ainsi qu' il appert par l'Ordonnance du 9me. Hen. 5ti. cy deuant recitée) quoy que les mots soyent en l' HABENDVM *Eidem Duci & ipsius & hæred suorum Regum Angliæ filijs primogenitis, & dict' loci Ducibus in Regno Angliæ hæreditariè succession', &c.* toutes fois le sens des dits mots *filijs primogenitis*, est exprimé & exposé par les mots de la premiere Ordonnance, asçauoir, *filio Seniori Regum Angliæ qui essent hæred propinquiores Regni*: Autrement, ces deux Ordonnances faites toutes deux à mesme fin, & dessein, & en mesme Assemblee des Estats ne pouuoient subsister ensemble ny reüssir à la

gether with the Knights fees, & the Aduowsons of Churches, and all other things to the Castles, boroughes, townes, mannors and honours aforesaid, in what maner soeuer belõging of the said late King, and his heires for euer: As in the Patent of the said late King to the foresaid then Duke thereof made, is more fully contained.

In *the Recitall of the first of which Statutes, it is said that it was thereby enacted*, That the said County of Cornwal should for euer remaine as a Duchy to the eldest sonne of the Kings of England, which should be next heire to the kingdome: *And therein speaketh not of* filius primogenitus, *or* filij primogeniti, *or* filijs primogenitis.

In *the second of which Statutes made in the same Parliament, that the first was (which was only made to auoyd future doubts & questiõs, what did or should belong vnto the said Duchy of Cornewall, as it appeareth by the Statute of* 9. Hen. 5. *before expressed:) although the words be there in the* Habẽdum, To the same Duke, and to his, and his heires the kings of England their first begotten sonnes & Dukes of the said place, that were hereditarily to succeed in the kingdome of England, &c. *yet the sense of the said words* (filijs

la fin pour laquelle elles furent faites.

3. FINALEMENT, cela eſt euident par vne Ordõnance faite l'an 31me. de Hen. 8. qui recite, que, Combien qu'en vne aſſemblee des Eſtats tenüe en l'11me. annee du regne du feu Roy d'heureuſe memoire le Roy Edouard le tiers, entre autres choſes fut eſtabli, arreſté, & ordonné, que le fils aiſné du Roy d'Angleterre, â qui il eſcheoit d'eſtre heritier de ce Royaume d'Angleterre, fuſt Duc de Cornouaille, & que ledit Duché de Cornouaille demeuraſt á jamais au fils aiſnê des Roys d'Angleterre, qui ſeroit le plus proche heritier dudit Royaume; Et que pour ſupporter ſa grandeur & pour s'entretenir en Prince, il euſt & iouiſt de tout le Duché de Cornouaille entier, & de tous les Chaſteaux, Honneurs, &c. á iceluy appartenans.

Auquel recit de ladite Ordonnance du 31me. de Hen. 8. ne ſe fait point de mention, que *filius primogenitus*, ou, *firſt begotten ſonne*, (qui eſt le mot Anglois) doibue eſtre Duc de Cornouaille, ains que le fils aiſnê du Roy d'Angleterre, qui deuroit eſtre heritier de ce Royaume d'Angleterre, ſeroit Duc de Cornouaille.

Il ſe trouue auſſy en la meſme Ordon-

lijs primogenitis) *or firſt begotten ſonnes, is expounded and explaned by the words of the firſt Statute, being* to the eldeſt ſonne of the kings of England, which ſhould be next heire to the kingdome: *Otherwiſe thoſe two Statutes made to one end and purpoſe, and in one and the ſelfe ſame Parliamẽt, could not ſtand together, nor effect the end for which they were both made.*

THIRDLY *and laſtly, it appeareth by an Acte of Parliament made Anno* 31. Henr. 8. *reciting*, That wheras in the Parliament holden in the 11. yeere of the raigne of the late King of famous memory *K. Edward* 3. it was amongſt other things eſtabliſhed, enacted and ordained, that the eldeſt ſonne of the king of England, which ſhould be inheritable to this Realme of England ſhould be Duke of Cornwall, & that the ſame Duchy of Cornewall ſhould alwaies be to the eldeſt ſonne of the Kings of England, which ſhould be next heire vnto the ſaid Realme, And that he ſhould haue & enioy towards the maintenance and ſupportation of his Princely eſtate, all the whole and entire Dukedome of Cornewall, and all Caſtles, Honnors &c. to the ſame belonging. 3.

By or in which recitall of the ſaid Statute of 31. Hen. 8. *no men-*

Ordonnance, vn (Sauf ou Reſerué) á toutes perſonnes leurs droicts, autres, qu'á Edouard pour lors Prince, & á chaſcun autre, qui de la en auant viendroit á eſtre fils aiſné du Roy, & le plus proche heritier de la Couronne d'Angleterre; mais il n'eſt rien reſeruê *filijs primogenitis*, ou, aux filz premiers nez du Roy, voire ces mots lâ ne s'y trouuent pas ſeulement.

Il y â encores en icelle Ordonnance vne recompenſe decernêe en pleine ſatisfaction pour l'Honneur de *Wallingford*, en ces parolles: Et en outre qu'il ſoit ordonné, que ledit excellent & indubitable Seigneur le Prince Edouard, & chaſcun autre, qui doreſnauant viendra â eſtre filz aiſné du Roy, & le plus proche heritier de la Couronne de ce Royaume, aura, tiendra, & joüira á jamais comme annexez, vnis, & cõioincts audit Duché &c. Mais il n'y a point de recompenſe donnee au Prince Edouard & *filijs primogenitis* (ou aux filz premiers nez) des Roys d'Angleterre: ce qui eut eſté faict, ſi les Eſtats euſſent iugé, que les mots (*filius primogenitus*) & (le fils aiſnê du Roy) n'euſſent eu tout le meſme ſens & ſignification.

Tous

tion is made that filius primogenitus, *or* firſt begotten ſonne, (*which is the Engliſh word*) *ſhould be Duke of Cornwall, but that the eldeſt ſonne of the King of England, which ſhould be inheritable to this Realme of England, ſhould be Duke of Cornewall.*

There is alſo contained in the ſaid Act of Parliament, a (Sauing) *to all perſons their rights, other, then to the then Prince* Edward, *and euery other which ſhould then after happen to be the Kings eldeſt ſonne, and next heire vnto the Crowne of England, but therein ſaueth nothing to the* filijs primogenitis, *or firſt begotten ſonnes of the King, nor vſeth the words.*

There is alſo in that Statute a recompence giuen in liew and ſatisfaction of the ſaid Honor of Wallingford, in theſe words: And further be it enacted, that the ſaid excellent and vndoubted Lord Prince *Edward*, & euery other, which ſhall hereafter happen to be the Kings eldeſt ſonne, and next heire vnto the Crowne of this Realme, ſhall haue, hold, and enioy for euer annexed, vnited, and knit to the ſaid Dukedome, &c. *But therein giueth no recompence to Prince* Edward, *and* filijs primogenitis, *or firſt begotten ſonnes of the Kings of England: which they would haue done, if the Parliament had conceiued*

that

TOus leſquels Exemples Precedens, Ordonnances des Eſtats, & autres raiſons & preuues cy deuant alleguees, eſtans deüement conſiderees, ſa Maieſte treſ-excellente par l'aduis des Seigneurs & autres de ſon Conſeil priué, clairement, & abſolumẽt reſolut, que le haut & noble Prince CHARLES maintenant ſon fils aiſné eſt en point de droict, & p la vertu de ladite Ordonnance de l'11me. d'Ed. 3. doibt eſtre Duc de Cornouaille. Et ſur ceſte reſolution, ſa Maieſté commanda, que ſon dit fils le Prince CHARLES euſt & jouiſt de l'honneur, tiltre & dignité de Duc de Cornouaille, ce qu'il eut ainſi, & en joüit incontinent apres.

Et á fin que (le cas eſtant de ſi grand' conſequence) les raiſons, qui induirent ſa Maieſté á ceſte reſolution, fuſſent publiquement cogneües á tous, á ce que par ce moyen toutes autres queſtions touchant ce fait fuſſent aſſopies pour le preſent, & les doubtes & difficultez preuenues, qui en peuſſent naiſtre pour le temps á venir; ſa Maieſté de ſa prudence Royale commanda que l' Eſtat de ladite queſtion, & ſa dite reſolution la deſſus, & enſemble les raiſons qui induirent ſa Maieſté á icelle, fuſſent

that the words (filius primogenitus) *and* (the eldeſt ſonne of the King) *had not had one and the ſelfe ſame ſenſe and ſignification.*

VPON due conſideration had of all which Precedents, Acts of Parliament, and other the before recited reaſons and proofes, His moſt Excellent Maieſtie, by the aduice of the Lords, and others of his Highnes Priuy Counſell, clearely & abſolutely reſolued, That the high and noble Prince CHARLES, *now his eldeſt ſonne was in right, and by vertue of the ſaid Statute of* 11. Ed. 3. *ought to be Duke of Cornewall. And vpon that reſolution, his Maieſtie commaunded that his Highneſſe ſaid ſonne Prince* CHARLES, *ſhould haue and enioy the Honour, Stile, and dignitie of Duke of Cornewall, which hee preſently had, and enioyed accordingly.*

And to the end (the cauſe being of ſo great conſequence) *that the reaſons that mooued his Maieſties ſaid reſolution ſhould be publiquely knowne to all, that thereby all preſent doubts in this caſe might be auoyded, and future queſtions in ſucceeding times likewiſe preuented, his Highnes out of his Princely prudence, commanded both the ſtate of the ſaid Queſtion, and his ſaid reſolution thereupon, together with the reaſons that mooued his*

Maieſtie

fuſſent particulierement & amplement redigées par eſcrit, & manifeſtées á tous, en les imprimant; á fin que tout le monde en fuſt ſatisfait, veu qu'autremẽt on ſe pourroit meſprendre, ou pour le moins eſtre en doubte, parce que les Archiues & Regiſtres, qui donnent en ce cas le plus d'eſclairciſſement, ne ſont pas entre les mains d'vn chaſcun: voire ceux la meſmes, qui ſont autrement hõmes de grand ſçauoir, & bien verſez és loix de ce Royaume, n'ont point d'occaſion de faire des curieuſes recherches en iceux: Mais c'eſt ce dernier & deplorable accident de la mort du treſnoble & memorable Prince Henry, qui á donné du ſujet & apporté de la neceſsité á ce trauail qu'on á pris auec tout ſoing & diligence, & qui á ſi apertement eſclairoi ce point caché auparauant en obſcurité.

Maieſtie thereunto, to be particularly and fully expreſſed in writing, and to be manifeſted to all by printing the ſame: that ſo all men might be therein ſatisfied; which otherwiſe certainely might miſtake, or at leaſt ſtand in doubt, becauſe the Records, that giue ſatisfaction in this caſe, are not in euery mans hands; neither haue men (otherwiſe greatly learned in the Lawes of this Realme) cauſe to ſearch curiouſly into them: But the late dolefull accident of the death of the Noble and memorable Prince HENRY, *enforced this neceſſary trauaile with all care and obſeruation, which hath brought this point, otherwiſe obſcure, ſo clearely to light.*

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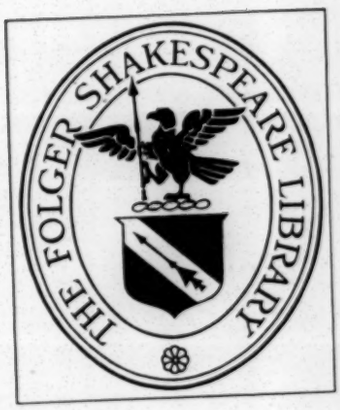

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